

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
APRIL 22, 2008**

Pursuant to the provisions of Chapter 551 VTCA Government Code, notice is hereby given of a Regular Meeting of the Midlothian City Council, to be held in the Council Chambers of City Hall, 104 West Avenue E, Midlothian, Texas

REGULAR AGENDA - 6:00 PM

Call to Order, Invocation and Pledge of Allegiance

2008-151 Citizens to be Heard

2008-152 Announcements/Presentations

1. City Council announcements
2. City Manager announcements
3. Motorcycle Safety proclamation

WORKSHOP

2008-153 Conduct Strategic Plan Workshop

CONSENT AGENDA

All matters listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion without separate discussion. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

2008-154 Consider and act upon minutes from City Council meeting of April 8, 2008

2008-155 Consider and act upon authorizing the auction of miscellaneous equipment through Rene Bates, Inc., an online auction service

2008-156 Consider and act upon a bid award to Payne Concrete of Midlothian, Texas for miscellaneous concrete improvement work throughout the City utilizing contracted unit pricing

2008-157 Consider and act upon staff's request to authorize Republic Heating & Air Conditioning Inc. to replace outdated, poorly performing and non-operational HVAC equipment located at the Criminal Justice Center in an amount not to exceed \$72,822.00

2008-158 Consider and act upon a Resolution authorizing the Second Annual "Head for the Hills" Bicycle Rally routed through the City of Midlothian and hosted by the Cedar Hill Rotary Club on Saturday, May 10, 2008, in accordance with zoning requirements for this type of event as established by the City of Midlothian Zoning Ordinance 89-13, as amended, Section 4.4 (Case No. RES10-2007-63)

- 2008-159 Consider and act upon a Resolution releasing any public interest, present or future, to an area of unknown ownership located adjacent to Lot 3R, Block 1 of Midlothian Crossing Addition, as recorded in Cabinet H, Slide 263 of the Official Public Records of Ellis County, Texas; property contains \pm 0.0356 acres and generally located at the northeast intersection of West Main Street and U.S. Highway 67; authorizing the City Manager to execute a Quitclaim Deed releasing any public interest to said property to the abutting fee simple property owner, Midlothian 287/67 Crossing, LP (Case No. RES11-2007-66)
- 2008-160 Consider and take action on an Ordinance ratifying the City of Midlothian City Council's intent on adopting Ordinance 2008-16 concerning text amendments to the Zoning Ordinance, Ordinance 89-13, by adding a Conflicts Clause

PUBLIC HEARINGS and REGULAR AGENDA

- 2008-161 Continue a public hearing and act upon an Ordinance regarding a property owner petition for the establishment of a Public Improvement District (PID) under the provisions of Chapter 372 of the Texas Local Government Code for MidTowne for the improved services, proposed assessment and details related to proposed establishment of this district; property contains \pm 131 acres and is generally located east of F.M. 663, west of South 14th Street and \pm 1,831 feet south of Cemetery Road (Case No. M07-2007-57)
- 2008-162 Conduct a public hearing and act upon an Ordinance regarding rezoning property from Agricultural (A) and Single Family One (SF-1) Districts to a Planned Development (PD) District for golf practice facilities and retail/office uses; property contains \pm 16.175 acres, and is generally located south of U.S. Highway 287 and \pm 3,400 feet west of Airport Drive (Case No. Z06-2007-34)
- 2008-163 Conduct a public hearing and act upon an Ordinance regarding a Specific Use Permit (SUP) for PetroTex Hydrocarbon to allow the operation of a renewable energy technology company that produces hydrocarbon products from used oils on property currently zoned Heavy Industrial (HI) District; property contains \pm 31.224 acres and is located in the RailPort Addition (Lot 2, Block 3) south of RailPort Parkway and west of Brookhollow Drive (Case No. SUP09-2007-42)

REGULAR AGENDA

- 2008-164 Consider and act upon establishing an ordinance to adopt a Water Conservation Plan; providing for a repeal and severability clause; and providing for an effective date
- 2008-165 Consider and act upon a Retail Water Service Area Agreement with Mountain Peak Special Utility District for the transfer of certain Certificate of Convenience and Necessity (CCN) areas
- 2008-166 Consider and take action to approve a change order to Hill and Wilkinson, Ltd., in the guaranteed maximum amount of \$476,754.00 to remodel the building shell of Fire Station No. 1

EXECUTIVE SESSION

Executive Session items are discussed in closed session but any and all action is taken in regular open session. Executive Session is not open to the public because there is a compelling need of confidentiality (e.g., certain real estate, litigation, or personnel matters).

1. Section 551.071 Legal: Consultation with attorney regarding Cause No. 67202, Midlothian v. Texas Central Business Lines Corporation, et al, pursuant to attorney's ethical duty to advise City regarding such matters
2. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects
3. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
4. Section 551.071 Legal: Consultation with attorney regarding Cause No. D-1-GN-08-000516, Wax Mid, Inc. v. Texas Commission on Environmental Quality and City of Midlothian, et al
5. Section 551.071 Legal: Consultation with attorney regarding ethical duty to advise regarding litigation concerning the construction of the Midlothian Conference Center and Senior Citizen's Center
6. Section 551.071 Legal: Consultation with attorney regarding legal issues related to pending annexation of areas subject to a municipal annexation plan, pursuant to attorney's ethical duty to advise City regarding such matters
7. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for right-of-way purposes
8. Section 551.071 Legal: Consultation with attorney regarding Cause No. 75885, City of Midlothian v. Randall Denton and Musket Corporation, pursuant to attorney's ethical duty to advise City regarding such matters
9. Section 551.071 Legal: Consultation with attorney regarding a potential real estate transaction required for the exchange of Certificate of Convenience and Necessity (CCN) territory of Mt. Peak Special Utility District (SUD) and City of Midlothian, pursuant to attorney's ethical duty to advise City regarding such matters
10. Section 551.074(a)(1) Personnel: Annual performance evaluation of City Secretary
11. Section 551.074(a)(1) Personnel: Annual performance evaluation of City Manager

REGULAR AGENDA

- 2008-167 Action resulting from Executive Session, Item #1: TCBL
- 2008-168 Action resulting from Executive Session, Item #2: Property acquisition
- 2008-169 Action resulting from Executive Session, Item #3: TCBL federal
- 2008-170 Action resulting from Executive Session, Item #4: Wax Mid, Inc.
- 2008-171 Action resulting from Executive Session, Item #5: Midlothian Conference Center

- 2008-172 Action resulting from Executive Session, Item #6: Annexation
- 2008-173 Action resulting from Executive Session, Item #7: Right-of-Way
- 2008-174 Action resulting from Executive Session, Item #8: Randall Denton/Musket Corp.
- 2008-175 Action resulting from Executive Session, Item #9: Mt. Peak SUD CCN
- 2008-176 Action resulting from Executive Session, Item #10: City Secretary evaluation
- 2008-177 Action resulting from Executive Session, Item #11: City Manager evaluation
- 2008-178 Adjourn

I, Tammy Varner, Deputy City Secretary of the City of Midlothian, Texas, do hereby certify that this Notice of Meeting was posted on the front window of City Hall, 104 West Avenue E, Midlothian, Texas, at a place readily accessible to the general public at all times, no later than the 18th day of April, 2008, at or before 5:00 p.m.



Tammy Varner, Deputy City Secretary

**This facility is wheelchair accessible and accessible parking spaces are available.
Requests for reasonable accommodations must be made 48 hours prior to this meeting.
Please contact the City Secretary at 775-3481 for further information.**