

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS  
TUESDAY, MAY 22, 2007**

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

2007-228 Citizens to be Heard

2007-229 Canvass votes from City Council Election of May 13, 2006

2007-230 Administer Oath of Office

2007-231 Elect Mayor pro tem

2007-232 Announcements/Presentations

1. Proclamation recognizing Midlothian FFA
2. Proclamation recognizing Motorcycle Awareness
3. Recognize Finance Department staff for receiving the Distinguished Budget Award from Government Finance Officers Association for the City of Midlothian's 2006-2007 Budget Document
4. City Council announcements
5. City Manager announcements
6. Quarterly investment report presented by Patterson and Associates

**CONSENT AGENDA**

*All matters listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

2006-233 Consider and take action to approve a resolution adopting the City of Midlothian's Investment Policy for the fiscal year 2007-2008

2007-234 Consider and act upon approving a resolution amending authorized representatives to transmit funds for investment with TexPool participant services

**PUBLIC HEARINGS and REGULAR AGENDA**

2007-235 Conduct a public hearing and act upon a request to approve a Specific Use Permit (SUP) for Ash Grove Gas Well A-2H (Case No. SUP04-2006-90). To allow a gas well drilling site on property currently zoned Heavy Industrial (HI) District. Property contains ± 2.00 acres, in the Benjamin F. Berry Survey, Abstract No. 157 and the Allen Reeves Survey, Abstract No. 939, and is generally located east of Quarry Road and ± 2,826 feet south of Gifco Road, in the city of Midlothian, Texas

## REGULAR AGENDA

- 2007-236 An ordinance extending the municipal boundary limits of the city of Midlothian, Texas by the voluntary annexation (Case No. AX01-2006-67) of +/- 92.39 acres of land, said land is out of the Alex S. Jenkins Survey, Abstract No. 554, generally located east of Sudith Lane and ± 716 feet south of Somerset Drive and lying within the extraterritorial jurisdiction (ETJ) of the city of Midlothian and adjoining the present boundary limits of the city of Midlothian; providing that the annexed property shall be subject to the ad valorem taxes levied by the city of Midlothian and that the inhabitants of the annexed property shall be entitled to all rights and privileges of all the resolutions and regulations of the city of Midlothian now in effect and hereinafter adopted
- 2007-237 Consider and act upon the appointment of a Midlothian Development Authority (MDA) chairperson
- 2007-238 Consider and act upon nominations to various boards and commissions:
1. Midlothian Community Development Corporation (4B)
  2. Zoning Board of Adjustment
  3. Midlothian Development Authority
  4. Historic Advisory Board
  5. Joint Midlothian/Waxahachie Airport Board
- 2007-239 Consider and act upon the appointment of John Garfield as Planning Director

## 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. 70419, George Slayton and Roberta Slayton v. City of Midlothian and Oscar Renda Contracting, Inc., 40<sup>th</sup> District Court, Ellis County, Texas
2. Section 551.071 Legal: Consultation with attorney regarding Cause No. 68846, ECOM Real Estate Management, Inc., v. City of Midlothian
3. 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
4. Section 551.071 Legal: Consultation with attorney regarding Cause No. 74216, Letha Black v. City of Midlothian, et al
5. Section 551.071 Legal: Consultation with attorney regarding issues related to Mid-Wax Certificate of Convenience and Necessity Permit application status
6. Section 551.071 Legal: Consultation with attorney regarding Cause No. 72768, Robert Ratzman, et al, v. City of Midlothian
7. 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
8. Section 551.072 Real Estate: Deliberation regarding real property – potential swap of real estate parcels between City of Midlothian and Midlothian Independent School District located along Hwy 287 Bypass
9. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property


necessary for roadway and parks improvement projects

10. Section 551.072 Real Estate: Deliberate regarding real property – potential Sports Park real property exchange between City of Midlothian and Midlothian Independent School District
11. Section 551.074 Personnel Matters: (a)(1) to deliberate the employment of a Planning Director

### REGULAR AGENDA

- 2007-240 Action resulting from Executive Session, Item # 1: Legal - Slayton
- 2007-241 Action resulting from Executive Session, Item # 2: Legal – ECOM
- 2007-242 Action resulting from Executive Session, Item # 3: Legal – TCBL
- 2007-243 Action resulting from Executive Session, Item # 4: Legal – Black
- 2007-244 Action resulting from Executive Session, Item # 5: Legal – Mid-Wax CCN
- 2007-245 Action resulting from Executive Session, Item # 6: Legal – Ratzman
- 2007-246 Action resulting from Executive Session, Item # 7: Legal – Annexation
- 2007-247 Action resulting from Executive Session, Item # 8: Real Estate – Hwy 287 Bypass land swap with MISD
- 2007-248 Action resulting from Executive Session, Item # 9: Real Estate – property acquisition
- 2007-249 Action resulting from Executive Session, Item # 10: Real Estate – Sports Park
- 2007-250 Action resulting from Executive Session, Item # 11: Personnel – Planning Director
- 2007-251 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 18<sup>th</sup> day of May 2007, 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.**