

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS  
MAY 8, 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

**WORKSHOP 5:30 P.M.**

2007-204 Review and discuss proposed tobacco ordinance

**REGULAR AGENDA 6:00 P.M.**

Call to Order, Invocation and Pledge of Allegiance

2007-205 Citizens to be Heard

2007-206 Announcements/Presentations

1. City Council announcements
2. City Manager announcements
3. Presentation of Water Conservation Awareness Proclamation to Midlothian High School Problem Solvers

**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.*

2007-207 Consider and act upon minutes from city council meeting of April 24, 2007

2007-208 Consider and act upon awarding a multiple-vendor contract for basic vehicle preventive maintenance to Kwik Kar and Valvoline Express of Midlothian, Texas

2007-209 Consider and act upon an Engineering Services Agreement for design and related professional services for Phase I of the Plum Creek gravity sanitary sewer main with Schrickel, Rollins and Associates, Inc., (SRA), in an amount not to exceed \$125,500

2007-210 Consider and act upon authorizing the city manager to execute a Landscape Maintenance Agreement with Texas Department of Transportation (TxDOT) for irrigation and tree maintenance along the US 287 Bypass from Old Fort Worth Road to Midlothian Parkway

**PUBLIC HEARINGS & REGULAR AGENDA**

2007-211 Continue a public hearing to consider and act upon an ordinance regulating "tobacco smoking," adopting provisions which prohibit smoking within certain City of Midlothian-owned facilities, enclosed public places; allowing smoking within and proximate to certain public and private land uses; providing exemptions and procedures for other certain uses; containing a savings clause; repealing inconsistent ordinances; establishing a penalty; and providing for the publication and effective date thereof

- 2007-212 Conduct a public hearing of Case No. AX01-2006-67, the first of two (2) public hearings for a proposed annexation and proposed service plan for the provision of public services; the proposed annexation contains +/- 92.39 acres of land (generally located east of Sudith Lane and ± 716 feet south of Somerset Drive) lying within the extraterritorial jurisdiction (ETJ) of the City of Midlothian and adjoining the present boundary limit lines of the City of Midlothian. (the proposed annexation being fully described in exhibit “A” attached hereto and made a part hereof for all purposes of annexation procedures)
- 2007-213 Conduct a public hearing of case no. AX01-2006-67, the second of two (2) public hearings for a proposed annexation and proposed service plan for the provision of public services; the proposed annexation contains +/- 92.39 acres of land (generally located east of Sudith Lane and ± 716 feet south of Somerset Drive) lying within the extraterritorial jurisdiction (ETJ) of the City of Midlothian and adjoining the present boundary limit lines of the City of Midlothian. (the proposed annexation being fully described in exhibit “a” attached hereto and made a part hereof for all purposes of annexation procedures)
- 2007-214 Continue a public hearing and act upon an ordinance regarding amendments to the City of Midlothian Zoning Ordinance 89-13 (Case OZ02-2006-66). To consider proposed amendments and changes to the City of Midlothian Zoning Ordinance 89-13, as amended: Article 4, Section 4, (Use Table); Article 5, Sections 5.1b (SF-2), 5.1c (SF-3), 5.1d (SF-4), 5.3a (R1.5), 5.4a (R2.5), and 5.5 (R3) (Residential Districts regulations); Article 7, Sections 7.4 (sign regulations) and 7.8 (masonry requirements); establishing an effective date; and, any other corresponding additions, deletions or changes to various sections, articles and provisions contained in said zoning ordinance
- 2007-215 Consider and act upon nomination to various boards and commissions:
1. Midlothian Community Development Corporation (4B)

### 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 ethical duty to advise regarding potential litigation concerning the construction of the Midlothian Conference Center
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 551.074 Personnel Matters: (a)(1) to deliberate the annual evaluation of the City Secretary
11. Section 551.074 Legal: Consultation with attorney regarding Cause No. 74216, Letha Black v. City of Midlothian, et al

### REGULAR AGENDA

- 2007-216 Action resulting from Executive Session, Item # 1: Legal – Slayton
- 2007-217 Action resulting from Executive Session, Item # 2: Legal – ECOM, Cause 68846
- 2007-218 Action resulting from Executive Session, Item # 3: Legal – TCBL
- 2007-219 Action resulting from Executive Session, Item # 4: Legal – Midlothian Conference Center
- 2007-220 Action resulting from Executive Session, Item # 5: Legal – CCN
- 2007-221 Action resulting from Executive Session, Item #6: Legal – Ratzman
- 2007-222 Action resulting from Executive Session, Item #7: Annexation
- 2007-223 Action resulting from Executive Session, Item #8: Real estate – MISD land swap
- 2007-224 Action resulting from Executive Session, Item #9: Real estate – acquisition of real property
- 2007-225 Action resulting from Executive Session, Item #10: Personnel – City Secretary
- 2007-226 Action resulting from Executive Session, Item #11: Legal - Black
- 2007-227 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 4<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.**