

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

APRIL 24, 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.

2007-174 Review and discuss Strategic Plan for Fiscal Years 2007-2012

REGULAR AGENDA 6:00 P.M.

Call to Order, Invocation and Pledge of Allegiance

2007-175 Citizens to be Heard

2007-176 Announcements/Presentations

1. City Council announcements
2. City Manager announcements
3. Presentation by Ellis County Officials regarding the May 12, 2007 Bond Election for County Facilities

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.

2007-177 Consider and act upon minutes from city council meeting of April 10, 2007

2007-178 Consider and act upon approving a request to increase the City fleet allowance in order to provide a vehicle for the administrative staff at City Hall

2007-179 Consider and act upon a resolution authorizing an annual Spring Fling fundraising event (Case No. RES06-2006-79). The event will be hosted by the Midlothian Chamber of Commerce on Saturday, May 5, 2007, in accordance with zoning requirements for this type of event as established by Section 4.4 of Ordinance 89-13 as amended, the City of Midlothian Zoning Ordinance

2007-180 Consider and act upon a resolution authorizing a bicycle rally/race to be routed through the City of Midlothian (Case No. RES 07-2006-80). The "Head For The Hills" Bike Rally will be hosted by the Cedar Hill Rotary Club on Saturday, May 12, 2007, in accordance with zoning requirements for this type of event as established by Section 4.4 of the Ordinance 89-13, as amended, the City of Midlothian Zoning Ordinance

2007-181 Consider and act upon approving a resolution authorizing the City's financial advisor, Southwest Securities, and the City's bond counsel, McCall Parkhurst & Horton, LLP to prepare the necessary proceedings including the Official Statement for the sale of the City's General Obligations Bonds, Series 2007 in the principal amount of \$8,550,000 at the regular city council meeting of April 24, 2007

- 2007-182 Consider and act upon approval of the Midlothian Conference Center’s budget request to expend \$10,000 of hotel/motel tax monies for advertisement
- 2007-183 Review and act upon adoption of the 2007-2012 Strategic Plan as a planning document for the City of Midlothian, to include general capital projects, personnel and capital equipment for General and Utility Service Funds
- 2007-184 Consider and act upon a resolution expressing the City of Midlothian’s official position that any state legislation proposing a moratorium on comprehensive development agreements should specifically exempt all of the 9 county non-attainment counties in North Texas (Case No. Res08-2006-87)

PUBLIC HEARINGS & REGULAR AGENDA

- 2007-185 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
- 2007-186 Continue a public hearing to consider 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
- 2007-187 Consider and act upon a resolution in adopting an Annexation Service Plan for Tract A (Country East/Hidden Creek) as part of a three-year annexation (Case No. AX02-2005-42) of +/- 256 acres of land, said land lying within the extraterritorial jurisdiction (ETJ) of the City of Midlothian and adjoining the present corporate boundary of the City of Midlothian (the annexation being fully described in Exhibits “A” and “B” attached hereto and made a part hereof for all purposes of annexation procedures); adopting by this resolution a negotiated service plan for the provision of municipal services as set forth in the Exhibit “C-1” attached hereto and made a part hereof for all purposes of annexation procedures; providing conditions for the adoption of an Alternative Service Plan (Exhibit “C-2”) that shall become effective in lieu of a voided negotiated service plan should annexation representatives vote to request the appointment of an arbitrator per Texas Local Government Code Ch. 43.0564; providing a severability clause; providing for an effective date; and providing for the publication of the caption of this resolution
- 2007-188 Consider and act upon a resolution adopting an Annexation Service Plan for Tract B (Starwashed Road Area) as part of a three-year annexation (Case No. AX02-2005-42) of +/- 985 acres of land, said land lying within the extraterritorial jurisdiction (ETJ) of the City of Midlothian and adjoining the present corporate boundary of the City of Midlothian (the annexation being fully described in Exhibits “A” and “B” attached

2007-188 hereto and made a part hereof for all purposes of annexation procedures); adopting by
(cont'd) this resolution a negotiated service plan for the provision of municipal services as set forth in the Exhibit "C-1" attached hereto and made a part hereof for all purposes of annexation procedures; providing conditions for the adoption of an alternative service plan (Exhibit "C-2") that shall become effective in lieu of a voided negotiated service plan should annexation representatives vote to request the appointment of an arbitrator per Texas Local Government Code Ch. 43.0564; providing a severability clause; providing for an effective date; and providing for the publication of the caption of this resolution

2007-189 Consider and act upon nomination to various boards and commissions:

1. Zoning Board of Adjustments

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).

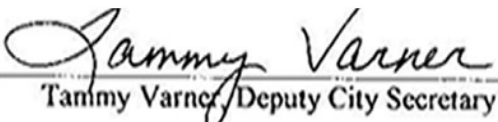
1. Section 551.071 Legal: Consultation with attorney regarding Cause No. 70419, George Slayton and Roberta Slayton v. City of Midlothian and Oscar Renda Contracting, Inc., 40th District Court, Ellis County, Texas
2. Section 551.071 Legal: Consultation with attorney regarding Cause No. 68846, ECOM Real 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 job performance of the City Manager
11. Section 551.074 Personnel Matters: (a)(1) to deliberate the job performance of the City Manager in Transition

12. Section 551.074 Personnel Matters: (a)(1) to deliberate the job performance of the Chief of Police
13. Section 551.074 Personnel Matters: (a)(1) to deliberate the job performance of the Director of Public Works

REGULAR AGENDA

- 2007-190 Action resulting from Executive Session, Item # 1: Legal – Slayton
- 2007-191 Action resulting from Executive Session, Item # 2: Legal – ECOM, Cause 68846
- 2007-192 Action resulting from Executive Session, Item # 3: Legal – TCBL
- 2007-193 Action resulting from Executive Session, Item # 4: Legal – Midlothian Conference Center
- 2007-194 Action resulting from Executive Session, Item # 5: Legal – CCN
- 2007-195 Action resulting from Executive Session, Item #6: Legal – Ratzman
- 2007-196 Action resulting from Executive Session, Item #7: Annexation
- 2007-197 Action resulting from Executive Session, Item #8: Real estate – MISD land swap
- 2007-198 Action resulting from Executive Session, Item #9: Real estate – acquisition of real property
- 2007-199 Action resulting from Executive Session, Item #10: Personnel – City Manager
- 2007-200 Action resulting from Executive Session, Item #11: Personnel – City Manager in Transition
- 2007-201 Action resulting from Executive Session, Item #12: Personnel – Chief of Police
- 2007-202 Action resulting from Executive Session, Item #13: Personnel – Director of Public Works
- 2007-203 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 20th day of April, 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.**