

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS  
FEBRUARY 27, 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 5:00 P.M.**

2007-079 Review and discuss new policies for Parks Department

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

Call to Order, Invocation and Pledge of Allegiance

2007-080 Citizens to be Heard

2007-081 Announcements/Presentations

1. City Council announcements
2. City Manager announcements
3. Presentation of City's financial audit for FY 2006-07 by representatives of Weaver & Tidwell, LLP

**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.*

2007-082 Consider and act upon minutes from city council meeting of February 13, 2007

2007-083 Consider and act upon a Joint Election Agreement with the Midlothian Independent School District

2007-084 Consider and act upon extending audit services with Weaver and Tidwell, L.L.P. an additional one year with two one-year extensions

2007-085 Consider and act upon an ordinance amending the existing Franchise Ordinance between the City of Midlothian and TXU Electric Delivery Company, a Texas corporation, its successors and assigns, to provide for a different payment schedule; providing an extension of the franchise term; providing for TXU Electric delivery acceptance; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law

2007-086 Consider and act upon approving the Midlothian Development Authority's Investment Policy

2007-087 Consider and act upon a resolution approving the sale by Midlothian Development Authority of refunding bonds to achieve debt service savings

2007-088 Consider and act upon an agreement with the Midlothian Development Authority (MDA) concerning raw water capacity rights purchased by the MDA and cost participation in the City's water treatment capacity project

- 2007-089 Consider and act upon a Resolution (RES04-2006-62) approving an exemption to Ordinance 2004-18 to allow the connection of City of Midlothian sanitary sewer service to serve 1 lot of property referred to as the Rosebud Addition Section 1, lot 46R, Block 1 (the future site of Midlothian Fire Station No. 3) located south of Tower Road and east of Charisma Lane, to be considered relative to the terms and requirements set forth by Ordinance 2004-18 Exemption Clause #2
- 2007-090 Consider and approve an ordinance amending Ordinance No. 2002-29 which establishes fees relating to athletic user fees and public park rental fees, providing a fee schedule, and severability clause; and providing for an effective date
- 2007-091 Consider and act upon an ordinance establishing park regulations within the City of Midlothian; providing that this ordinance shall be cumulative of all ordinances; establishing and prescribing penalties for violation of its provisions; repealing all conflicting ordinances; and a saving clause; and providing for immediate effect
- 2007-092 Consider and act upon a resolution of the City Council of the City of Midlothian, Texas, adopting a policy to require youth associations that use City facilities to conduct criminal background checks for coaches and other volunteer persons eighteen (18) years of age or older acting in an official capacity for the Youth Sports Association (YSA); and providing an effective date
- 2007-093 Consider and act upon a resolution of the City Council of the City of Midlothian, Texas, authorizing the mayor to approve on behalf of the City the attached bylaws of the Midlothian Sports Council; and providing an effective date
- 2007-094 Consider and act upon a resolution of the City Council of the City of Midlothian, Texas, authorizing the mayor to approve on behalf of the City the attached city of Midlothian Parks Policy for naming parks and facilities; plaques and markers; and providing an effective date
- 2007-095 Consider and act upon a resolution of the City Council of the City of Midlothian, Texas, authorizing the Parks Director to execute on behalf of the City the attached Midlothian Parks Department Use Agreement with the Midlothian Parks Department; and the Youth Sports Associations and providing an effective date
- 2007-096 Consider and act upon a Professional Service Agreement with Dunkin, Sims, and Stoffels, Inc. Scope of Services Contract for the Mountain Peak Park Project. The scope of service will be divided into two phases; Phase I – basic design services and construction documents for an amount of \$38,500; and Phase II – additional services for an amount of \$10,500; the total amount for this service shall not exceed \$49,000
- 2007-097 Consider and act upon approving the first of two, one-year, contract extensions with Wachovia Bank as successor to SouthTrust Bank to provide banking and depository services for the City of Midlothian, Texas

#### **PUBLIC HEARINGS AND REGULAR AGENDA**

- 2007-098 Consider and act upon a Professional Services Agreement with SM&P of Carmel, Indiana to provide GPS mapping of identified facilities (~4,300 meters/valves) within the city limits in an amount not to exceed \$53,423 (base cost of \$48,566 plus a 10% contingency)
- 2007-099 Consider and act upon a resolution supporting TxDOT approval of a proposal for pass-through financing of a grade separation of US 67 and RailPort Parkway

- 2007-100 Conduct a public hearing and act upon a request to approve a rezoning request of Midtowne, currently zoned Single Family Three (SF-3) and Single Family Four (SF-4) districts to a proposed Planned Development (PD) District (Case No. Z03-2006-36). Property contains ± 131.42 acres, in the W. Hawkins Survey, Abstract No. 465 and the B.F. Hawkins Survey, Abstract No. 464, and is generally located east of FM 663 and west of South 14th Street and ± 1,831 feet south of Cemetary road, in the city of Midlothian, Texas
- 2007-101 Conduct a public hearing to consider and act upon an ordinance amending Ordinance 2000-20a, as amended by Ordinance 2001-35, to adopt a major update to the Comprehensive Plan for the City of Midlothian (Case No. M11-2006-37). Envision Midlothian 2025 is a comprehensive plan that will guide the City’s growth for the next two decades
- 2007-102 Consider and act upon nomination to various boards and commissions:
1. Corporation for Economic Development (4A)
  2. 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., 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. 70243, Peggy Colvin v. City of Midlothian
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

**REGULAR AGENDA**

- 2007-103 Action resulting from Executive Session, Item # 1: Legal – Slayton
- 2007-104 Action resulting from Executive Session, Item # 2: Legal – ECOM, Cause 68846
- 2007-105 Action resulting from Executive Session, Item # 3: Legal – TCBL
- 2007-106 Action resulting from Executive Session, Item # 4: Legal – Colvin
- 2007-107 Action resulting from Executive Session, Item # 5: Legal – CCN

- 2007-108 Action resulting from Executive Session, Item #6: Legal - Ratzman
- 2007-109 Action resulting from Executive Session, Item #7: Annexation
- 2007-110 Action resulting from Executive Session, Item #8: Real estate: MISD land swap
- 2007-111 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 23<sup>rd</sup> day of February, 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.**