

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
JANUARY 9, 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 P.M.

Call to Order, Invocation and Pledge of Allegiance

2007-001 Citizens to be Heard

2007-002 Announcements/Presentations

1. City Council announcements
2. City Manager announcements

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.

2007-003 Consider and act upon minutes from city council meeting of December 22, 2006

2007-004 Consider and take action to approve a Lease Agreement between the city of Midlothian and Ellis County leasing office space for Ellis County Constable, Precinct #4 and Justice of the Peace Precinct #4 at the new Midlothian Justice Center

PUBLIC HEARINGS AND REGULAR AGENDA

2007-005 Conduct a public hearing and act upon an ordinance requesting to amend the current Westside Preserve Planned Development (PD-18) Ordinance 2004-43 (Case No. Z01-2006-05). The applicant is requesting to amend the current uses in the areas designated as Community Retail (CR), Community Retail/Multi-Family 18 (CR/MF-18), and Open Spaces (excluding the area designated as a future school site) totaling +/- 192 acres) to include gas well drilling (subject to city-approved Specific Use Permit (SUP) and Gas Drilling Permit). Property is out of the John Chamblee Survey, Abstract No. 192, and is located south of W. US Hwy. 287 and +/- 1,400 feet west of US Hwy. 67, in the City of Midlothian, Texas

2007-006 Conduct a public hearing and act upon an ordinance requesting to approve a Specific Use Permit (SUP) for Westside Preserve Planned Development 18 (PD-18) (Case No. SUP01-2006-06). The applicant is requesting a SUP for a gas well drilling site to be located in Westside Preserve Planned Development (PD-18). Proposed gas well site contains \pm 2.77 acres out of the John Chamblee Survey, Abstract No. 192, and is located south of W. US Hwy. 287 and \pm 1,400 feet west of US Hwy. 67, in the City of Midlothian, Texas

2007-007 Conduct a public hearing and act upon an ordinance requesting to approve a Specific Use Permit (SUP) for Ashgrove #5H Gas Well (Case No. SUP13-2005-141). An application from the Harding Company to allow a gas well drilling site on property currently zoned Light Industrial (LI) and Heavy Industrial (HI) Districts. Property contains \pm 2.00 acres, out of the B.C. Bedford Survey, Abstract No. 158, the site is situated on Ash Grove Cement Plant property, and is generally located south of Ellis Road and \pm 5,100 feet west of Tayman Drive, in the City of Midlothian, Texas

- 2007-008 Conduct a public hearing and act upon an ordinance requesting to approve a Specific Use Permit (SUP) for Ashgrove #6H Gas Well (Case No. SUP14-2005-142). An application from the Harding Company to allow a gas well drilling site on property currently zoned Light Industrial (LI) and Heavy Industrial (HI) Districts. Property contains ± 2.00 acres, out of the B.C. Bedford Survey, Abstract No. 158, the site is situated on Ash Grove Cement Plant property, and is generally located south of Ellis Road and ± 3,400 feet west of Tayman Drive, in the city of Midlothian, Texas
- 2007-009 Conduct a public hearing and act upon a request regarding the City of Midlothian's Zoning Ordinance 89-13 (Case No. OZ01-2006-21). Proposed amendments and changes to the City of Midlothian Zoning Ordinance 89-13, as amended pursuant to and in accordance with the City of Midlothian's Zoning Ordinance 89-13, as amended, and Texas Local Government Code, Title 7, Chapter 211, specifically amending Article VII Section 7.5 (Off-Street Loading and Parking); and, any other corresponding additions, deletions or changes to various Sections, Articles and Provisions contained in said Zoning Ordinance. Said Changes are intended to revise the required number of off-street parking spaces for certain land use types; and any other related provisions
- 2007-010 Conduct a public hearing and act upon an ordinance allowing a Specific Use Permit For Campuzano Mexican Food (Case No. SUP02-2006-31). An application from Pamela Kincaid (Campuzano Mexican Food) requesting a Specific Use Permit to allow a restaurant with a private club that would be authorized to serve alcoholic beverages upon issuance of all required permits; Subject property is known as 108 North Eight Street, and is generally located east of Eight Street and north of Main Street, in the City of Midlothian, Ellis County, Texas
- 2007-011 Consider and act upon nomination to various boards and commissions:
1. Zoning Board of Adjustments
 2. Midlothian Community Development Corporation (4B)
 3. Park Board

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 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 concerning contemplated litigation related to property west of Walter Stephenson Road known as PD-4
7. Section 551.071 Legal: Consultation with attorney regarding Cause No. 72768, Robert Ratzman, et al, v. City of Midlothian
8. 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

9. Section 551.074 Personnel: Discuss City Manager and City Manager in Transition Employment Agreements and take action accordingly
10. Section 551.074 Personnel: Discuss Transitional Reorganization Chart and personnel affected; take appropriate action and direct Staff accordingly

REGULAR AGENDA

- 2007-012 Action resulting from Executive Session, Item # 1: Legal – Slayton
- 2007-013 Action resulting from Executive Session, Item # 2: Legal – ECOM, Cause 68846
- 2007-014 Action resulting from Executive Session, Item # 3: Legal – TCBL
- 2007-015 Action resulting from Executive Session, Item # 4: Legal – Colvin
- 2007-016 Action resulting from Executive Session, Item # 5: Legal – CCN
- 2007-017 Action resulting from Executive Session, Item #6: Legal – PD-4
- 2007-018 Action resulting from Executive Session, Item #7: Legal - Ratzman
- 2007-019 Action resulting from Executive Session, Item #8: Annexation
- 2007-020 Action resulting from Executive Session, Item #9: Personnel – City Manager and City Manager in Transition Employment Agreements
- 2007-021 Action resulting from Executive Session, Item #10: Personnel – Transitional Reorganization Chart and personnel affected
- 2007-022 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 5th day of January, 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.**