

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
SEPTEMBER 11, 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

2007-442 Citizens to be Heard

2007-443 Announcements/Presentations

1. Present a proclamation to the Daughters of the American Revolution declaring September 17-23 as Constitution Week
2. Present a proclamation honoring Patriot's Day
3. City Council announcements
4. City Manager announcements
5. Quarterly Investment Report presented by Linda Patterson of Patterson & Assoc.

WORKSHOP

2007-444 Conduct a workshop regarding the preliminary results of the Freese & Nichols Paving Management System Study and direct staff accordingly

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.

2007-445 Consider and act upon minutes from City Council meeting of August 28, 2007

2007-446 Consider and act upon a resolution authorizing an annual Fall Festival fundraising event (Case No. RES12-2006-142). The event will be hosted by the Midlothian Chamber of Commerce on Saturday, October 20, 2007, in accordance with zoning requirements for Special Events as established by the City of Midlothian Zoning Ordinance 89-13, as amended, Section 4.4 (Use Table)

2007-447 Consider and act upon a resolution authorizing a 5k race/walk in conjunction to the annual Fall Festival fundraising event (Case No. RES10-2006-138). The event will be hosted by the Midlothian Chamber of Commerce on Saturday, October 20, 2007, in accordance with zoning requirements for special events as established by the City of Midlothian Zoning Ordinance 89-13, as amended, Section 4.4 (Use Table)

2007-448 Consider and act upon a resolution (Case No. RES13-2006-144), authorizing the Midlothian Chamber of Commerce to host the annual Heritage Park scarecrow display from October 5th through October 31, 2007, in accordance with zoning requirements for Special Events as established by the City of Midlothian Zoning Ordinance 89-13, as amended, Section 4.4 (Use Table)

2007-449 Review and consider the Impact Fee Advisory Committee's Status Report to the City Council regarding the Midlothian Impact Fee Program (Case No. M37-2006-139)

- 2007-450 Consider and act upon authorizing the Mayor to sign a Certification Letter to the Texas Attorney General stating that the City of Midlothian Impact Fee Program is in compliance with Chapter 395 of the Local Government Code (Case No. M36-2006-137)
- 2007-451 Consider and act upon approving the FY 2007-2008 Midlothian Development Authority's Annual Operating Budget
- 2007-452 Consider and act upon an ordinance amending the Building Permit Fee Schedule of the City of Midlothian, Texas, as established by Ordinance No. 2001-49, as amended by Ordinance 2002-30; to amend the building permit fee, electrical permit fee, plumbing permit fee and the mechanical permit fee; and, providing a severability clause, and providing for an effective date
- 2007-453 Consider and act upon a proposal from Control Specialist Services, LP to repair Inlet Valve #1 at the City's raw water intake structure at Joe Pool Lake in an amount not to exceed \$35,000

PUBLIC HEARINGS and REGULAR AGENDA

- 2007-454 Conduct a public hearing regarding the Proposed FY 2007-2008 Annual Operating Budgets for the City of Midlothian and act upon an ordinance adopting the FY 2007-2008 Annual Operating Budget and Plan for municipal services for the ensuing fiscal year beginning October 1, 2007 and ending September 30, 2008, in accordance with Local Government Code §102; appropriating money to a sinking fund to pay interest and principal on the City's indebtedness; appropriating the various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause and establishing an effective date

REGULAR AGENDA

- 2007-455 Consider and act upon an ordinance, by record vote of the City Council of the City of Midlothian, Texas, levying and assessing municipal ad valorem taxes for the City of Midlothian, for the Fiscal Year 2007-2008, at twenty-five and 0.005493 cents (\$ 0.255493) for Maintenance and Operations and thirty-nine and 0.004507 cents (\$ 0.394507) for Interest and Sinking Funds, for a total of sixty-five and no cents (\$ 0.65), specifically for the purpose for which said taxes may be expended and directing the assessment and collection thereof; repealing conflicting ordinances and resolutions; including a severability clause and establishing an effective date. This tax rate will raise more taxes for maintenance and operations than last year's tax rate. The tax rate will raise taxes for maintenance and operations on a \$100,000 home by approximately \$7.46 per year
- 2007-456 Consider and act upon a property tax increase, by record vote as reflected in the FY 2007-2008 Annual Operating Budget when compared to the FY 2006-2007 Annual Operating Budget. This budget will raise more total property taxes than last year's budget by \$1,367,071 or 12.35%, and of that amount \$872,602 is tax revenue to be raised from new property added to the tax roll this year
- 2007-457 Consider and act upon an ordinance of the City Council of the City of Midlothian, Texas, providing for a seventy thousand dollar (\$70,000) residential homestead exemption for persons sixty-five years of age or older from all ad valorem taxes hereafter levied and providing an exemption for disabled veterans based upon the degree of their disability; repealing conflicting ordinances and resolutions; including a severability clause and establishing an effective date

- 2007-458 Consider and take action to authorize staff to engage the pre-construction services of Hill & Wilkinson, Ltd., preparatory to negotiating a contract with them to serve as construction manager at risk for the construction of Fire Station No. 3 and the remodel of Fire Station No. 1
- 2007-459 Consider and act upon a contract with Lindsey Contractors, Inc., of Waco, Texas through the utilization of an Interlocal Cooperation Agreement with the state of Texas for asphaltic concrete work, on an as needed basis, at a unit price of \$74.19 per ton
- 2007-460 Consider and act upon nominations to various boards and commissions:
- o Utility Advisory Board

EXECUTIVE SESSION

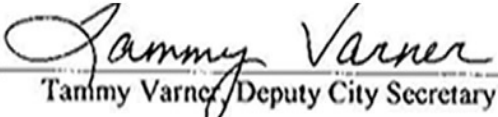
Executive Session items are discussed in closed session but any and all action is taken in regular open session. Executive Session is not open to the public because there is a compelling need of confidentiality (e.g., certain real estate, litigation, or personnel matters).

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. 67202, Midlothian v. Texas Central Business Lines Corporation, et al, pursuant to attorney's ethical duty to advise City regarding such matters
3. Section 551.071 Legal: Consultation with attorney regarding Cause No. 74216, Letha Black v. City of Midlothian, et al
4. Section 551.071 Legal: Consultation with attorney regarding issues related to Wax-Mid, Inc. Certificate of Convenience and Necessity Permit application status
5. **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**
6. 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
7. **Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects**
8. Section 551.072 Real Estate: Deliberation regarding real property – Mt. Zion Road Improvement Project right-of-way acquisitions
9. Section 551.071 Legal: Consultation with attorney regarding ethical duty to advise regarding litigation concerning the construction of the Midlothian Conference Center and Senior Citizen's Center
10. **Section 551.071 Legal: Consultation with attorney regarding Cause No. 07-C-3025, Ken Halverson v. City of Waxahachie, City of Midlothian, and Midlothian-Waxahachie Airport Board**
11. **Section 551.071 Legal – Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian**
12. Section 551.086 Deliberation regarding economic development negotiations regarding Project Target

REGULAR AGENDA

- 2007-461 Action resulting from Executive Session, Item #1: Legal - Slayton
- 2007-462 Action resulting from Executive Session, Item #2: Legal – TCBL
- 2007-463 Action resulting from Executive Session, Item #3: Legal – Black
- 2007-464 Action resulting from Executive Session, Item #4: Legal – Wax-Mid, Inc. CCN
- 2007-465 Action resulting from Executive Session, Item #5: Legal – Annexation
- 2007-466 Action resulting from Executive Session, Item # 6: Real Estate – Hwy 287 Bypass land swap with MISD
- 2007-467 Action resulting from Executive Session, Item #7: Real Estate – Property acquisition
- 2007-468 Action resulting from Executive Session, Item #8: Real Estate – Mt. Zion Road
- 2007-469 Action resulting from Executive Session, Item #9: Legal – Conference Center and Senior Citizen’s Center
- 2007-470 Action resulting from Executive Session, Item #10: Legal – Ken Halverson
- 2007-471 Action resulting from Executive Session, Item #11: Legal – Texas Central Business Lines Corporation
- 2007-472 Action resulting from Executive Session, Item #12: Economic Development – Project Target
- 2007-473 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 7th day of September, 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.**