

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
OCTOBER 23, 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

2007-537 Citizens to be Heard

2007-538 Announcements/Presentations

1. City Council announcements
2. City Manager announcements
3. City Engineer Presentation of Texas Department of Transportation Bridge Report

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.

2007-539 Consider and act upon awarding a month-to-month rental agreement, through the U.S. Communities Cooperative Purchasing Program, to Documation Business Technology Integration for the monthly rental of fifteen multi-purpose copier/scanner/fax/printers in an amount not to exceed \$4,745.00 per month

2007-540 Consider and act upon a contract with McLain Decision Support Systems (MDSS) of McKinney, TX for the purchase of mBudget, a comprehensive budget preparation software package, in an amount not to exceed \$88,350

2007-541 Consider and take action to approve a one-year contract with Emergency Communications Network, Inc., to provide the City with the CodeRED® Emergency Notification System for a total price of \$10,000 per year

PUBLIC HEARINGS and REGULAR AGENDA

2007-542 Continue a public hearing and act upon an ordinance regarding a rezoning request for Milligan Addition, Lot 13A, Block 2 from the current Commercial (C) District to an Urban Village Planned Development (UVPD) District for professional office & personal services including beauty care (Case No. Z12-2006-147). Property contains ± 0.264 acres and is located at the northeast intersection of W. Ave. B and N. 8th Street

2007-543 Conduct a public hearing and act upon an ordinance regarding a request to approve a Specific Use Permit (SUP) to allow a restaurant with drive-through service on property known as Midlothian Shopping Center, Lot 3, Block 1 (Case No. SUP01-2007-01). Property is currently zoned Commercial (C) District and contains ± 0.94 acres and is generally located south of E. Main Street and west of George Hopper Road

2007-544 Conduct a public hearing and act upon an ordinance regarding a request to approve a Specific Use Permit (SUP) for Fire Station No. 3 on property known as The Rosebud, Section One, Lot 46R, Block 1 (Case No. SUP02-2007-04). Property is currently zoned Single Family Four (SF-4) and contains ± 1.282 acres and is generally located south of Tower Road and ± 148 feet east of Charisma

- 2007-545 Continue a public hearing and act upon an ordinance regarding a rezoning request of the Redden Tract, currently zoned Single Family Three (SF-3) to a proposed Planned Development (PD) District with residential lot sizes ranging from 2,500 to at least 14,000 square feet (\pm 248.56 acres), a Mixed-Use for Retail and Office (\pm 12.02 acres) and an Office Park (\pm 38.4 acres) and Green Open Space (Case No. Z06-2006-100). Property contains \pm 299.42 acres, and is generally located south of FM 1387 and \pm 3,150 feet west of Walnut Grove Road
- 2007-546 Consider and act upon a petition for the voluntary annexation of \pm 0.7169 acres of land out of the C Jenkins Survey, Abstract No. 555, generally located north of US Hwy 287 and 810 feet east of Primrose, in Ellis County, Texas; and, if petition is granted, adopt an ordinance to annex the area lying within the Extraterritorial Jurisdiction (ETJ) of the City of Midlothian and adjoining the present boundary limits of the City of Midlothian; providing that the annexed property shall be subject to the ad valorem taxes levied by the City of Midlothian and that the inhabitants of the annexed property shall be entitled to all rights and privileges of all the resolutions and regulations of the City of Midlothian now in effect and hereinafter adopted; providing a severability clause; providing for an effective date; and providing for the publication of the caption of this ordinance (Case No. AX01-2007-11)
- 2007-547 Conduct a public hearing and act upon an ordinance regarding a rezoning request of \pm 0.7169 acres (pending approval of voluntary annexation) to a Planned Development (PD) District to be included with the current Redden Farms Planned Development Rezone Request Case No. Z06-2006-100 (Case No. Z02-2007-08). Property is generally located north of U.S. Highway 287 and \pm 810 feet east of Primrose
- 2007-548 Continue a public hearing and act upon a rezoning request from Fulson Midlothian Partners, LP on property currently zoned Single Family One (SF-1), Single Family Four (SF-4) and Commercial (C) to a proposed Planned Development (PD) District with Residential Uses (\pm 130 acres), Commercial/Community Retail/Multi-family Uses (\pm 83 acres), Commercial/Community Retail uses (\pm 106 acres), Mixed-Use District (\pm 96 acres), and Open Space (\pm 127 acres) (Case No. Z07-2006-104). Property contains \pm 560.44 acres, and is generally located north of US Highway 287 and west of US Highway 67, in the City of Midlothian, Texas

REGULAR AGENDA

- 2007-549 Consider a Resolution authorizing the City Attorney, acting on behalf of the City of Midlothian, to institute eminent domain proceedings against William M. Haley and wife, Monna K. Haley, and all other appropriate parties, for acquisition of a right-of-way parcel and easements located in the W. D. Witherspoon Survey, Abstract No. 1186, Midlothian, Ellis County, Texas. Said parcels are fully described in the proposed resolution
- 2007-550 Consider a Resolution authorizing the City Attorney, acting on behalf of the City of Midlothian, to institute eminent domain proceedings against Keith Tucker and wife, Kim Tucker, and all other appropriate parties, for acquisition of a right-of-way parcel and easements located in the J. E. Hawkins Survey, Abstract No. 462, Midlothian, Ellis County, Texas. Said parcels are fully described in the proposed resolution
- 2007-551 Consider and act upon a Resolution authorizing Don Hastings, City Manager, acting on behalf of the City of Midlothian, to make a formal offer to Jeffrey L. Buckley and Candace K. McKay Buckley in the amount of \$9,672.00 for right-of-way acquisition, easements and damages

- 2007-552 Consider and act upon a resolution authorizing Don Hastings, City Manager, acting on behalf of the City of Midlothian, to make a formal offer to Kristina Roberts in the amount of \$2,098.00 for right-of-way acquisition and damages
- 2007-553 Consider and act upon a Resolution authorizing Don Hastings, City Manager, acting on behalf of the City of Midlothian, to make a formal offer to Alton Roy Snow and Sallie Snow in the amount of \$13,652.00 for right-of-way acquisition, easements and damages
- 2007-554 Consider and act upon nominations to various boards and commissions:
- o Historic Advisory Board
 - o Park Board
 - o Midlothian Community Development Corp. (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., 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 551.071 Legal: Consultation with attorney based on an ethical duty to advise concerning potential litigation related to the rezoning of 22.38 acres of land located on the west side of Walter Stephenson Road, north of the Hwy. 287 Bypass, said rezoning being the pending case of Z11-2006-134, a request to rezone from SF-1 and PD-4 to Planned Development District for Multi-Family Uses

REGULAR AGENDA

- 2007-555 Action resulting from Executive Session, Item #1: Legal - Slayton
- 2007-556 Action resulting from Executive Session, Item #2: Legal – TCBL
- 2007-557 Action resulting from Executive Session, Item #3: Legal – Black
- 2007-558 Action resulting from Executive Session, Item #4: Legal – Wax-Mid, Inc. CCN
- 2007-559 Action resulting from Executive Session, Item #5: Legal – Annexation
- 2007-560 Action resulting from Executive Session, Item # 6: Real Estate – Hwy 287 Bypass land swap with MISD
- 2007-561 Action resulting from Executive Session, Item #7: Real Estate – Property acquisition
- 2007-562 Action resulting from Executive Session, Item #8: Real Estate – Mt. Zion Road
- 2007-563 Action resulting from Executive Session, Item #9: Legal – Conference Center and Senior Citizen’s Center
- 2007-564 Action resulting from Executive Session, Item #10: Legal – Ken Halverson
- 2007-565 Action resulting from Executive Session, Item #11: Legal – Texas Central Business Lines Corporation
- 2007-566 Action resulting from Executive Session, Item #12: Legal – 22.38 acres, Zoning Case Z11-2006-134
- 2007-567 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 19th day of October, 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.**