

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
FEBRUARY 13, 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

2007-045 Citizens to be Heard

2007-046 Announcements/Presentations

1. City Council announcements
2. City Manager announcements
3. Recognize Finance Department for earning the Excellence in Financial Reporting Award for Fiscal Year 2005 from the Government Finance Officers Association

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.

2007-047 Consider and act upon minutes from city council meetings of January 23 and 30, 2007

2007-048 Consider and act upon an ordinance providing for an election to be held to elect two councilmembers in the city of Midlothian; defining the term of office for councilmembers; designating the polling location; designating the election judge and providing for clerical personnel; designating the time and place; providing for a run-off election; and providing for the filing of applications for the official ballots for said election

2007-049 Consider and act upon a resolution authorizing the City to enter into an agreement with Texas Department of Transportation (TxDOT) to participate in the Federal-Aid Off-System Bridge Replacement Program, in particular the replacement of the bridge structure located on Onward Road at Hollis Branch, with the City's local matched fund participation cost in an amount not to exceed \$40,202.40

2007-050 Consider and act upon approval of Strategic Plan and Budget Calendar for FY 2007-2008 Annual Operating Budget

2007-051 Consider and act upon an Interlocal Cooperative Contract for Public Works Services between Ellis County and City of Midlothian (contingent upon approval by Ellis County) for a contract term of five years with two one-year renewal options

2007-052 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

2007-053 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

- 2007-054 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
- 2007-055 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
- 2007-056 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
- 2007-057 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
- 2007-058 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

PUBLIC HEARINGS AND REGULAR AGENDA

- 2007-059 Consider and act upon an ordinance vacating and abandoning a portion of So. First Street right-of-way (Case No. ROW 02-2006-49). Property contains ± 0.0900 acres of land, more fully described hereinafter on the attached Exhibit “A”, declaring that such right-of-way is unnecessary for use by the public; authorizing the mayor of the City of Midlothian, Texas to execute a quitclaim deed releasing public ownership interest or control of said rights-of-way; providing for engrossment and enrollment; and providing for an effective date
- 2007-060 Conduct a public hearing and act upon a request to approve a rezoning request of Skyline Acres, Lot 9R, Block 24 (Case No. Z04-2006-41) to consider a request to rezone ± 2.090 acres currently zoned Residential Three (R3) and Light Industrial (LI) Districts to a Planned Development (PD) District (for light industrial uses). Property is generally located south of Tayman Road and west of Old Hwy. 67, in the City of Midlothian, Texas
- 2007-061 Consider and act upon an ordinance of the City of Midlothian restricting truck traffic on certain streets within the corporate limits of the city (in particular, North 8th Street from Business 287 [Main Street] to North 9th Street); signage placement; definition; penalty; additional sanctions; exclusions; severability clause; and effective date
- 2007-062 Consider and act upon an ordinance of the City Council of the City of Midlothian, Texas, amending the FY 2006-2007 General Fund appropriations in the amount of \$12,076 from the Unreserved Fund balance; for increased personnel appropriations; in accordance with Chapter 102, Local Government Code; appropriating the various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause; and establishing an effective date

2007-063 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

2007-064 Consider and act upon nomination to various boards and commissions:

1. Zoning Board of Adjustments
2. Corporation for Economic Development (4A)

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: Personnel issues regarding the terms of employment and compensation for the Chief of Police
10. Section 551.074 Personnel: Personnel issues regarding employment and compensation for the City Engineer, current Planning Manager and Comprehensive Planning Manager
11. Section 551.072 Real Estate: Deliberation regarding real property – acquisition of park land
12. Section 551.072 Real Estate: Deliberation regarding real property – acquisition of property for Mt. Zion Road Project
13. 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

- 2007-065 Action resulting from Executive Session, Item # 1: Legal – Slayton
- 2007-066 Action resulting from Executive Session, Item # 2: Legal – ECOM, Cause 68846
- 2007-067 Action resulting from Executive Session, Item # 3: Legal – TCBL
- 2007-068 Action resulting from Executive Session, Item # 4: Legal – Colvin
- 2007-069 Action resulting from Executive Session, Item # 5: Legal – CCN
- 2007-070 Action resulting from Executive Session, Item #6: Legal – PD-4
- 2007-071 Action resulting from Executive Session, Item #7: Legal - Ratzman
- 2007-072 Action resulting from Executive Session, Item #8: Annexation
- 2007-073 Action resulting from Executive Session, Item #9: Personnel – Police Chief
- 2007-074 Action resulting from Executive Session, Item #10: Personnel – City Engineer, et al
- 2007-075 Action resulting from Executive Session, Item #11: Real Estate – Park Land
- 2007-076 Action resulting from Executive Session, Item #12: Real Estate: Mt. Zion Road
- 2007-077 Action resulting from Executive Session, Item #13: Real estate: MISD land swap
- 2007-078 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 9th 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.**