

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

**Tuesday, October 9, 2012
6:00 p.m.**

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

Call to Order, Invocation and Pledge of Allegiance

2012-370 Announcements/Presentations

- a. Community Affairs calendar
- b. Presentation of proclamation recognizing Red Ribbon Week
- c. Administrative announcements related to personnel

CONSENT AGENDA

All matters listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion without separate discussion. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

2012-371 Consider and act upon minutes from City Council meeting of September 25, 2012

2012-372 Consider and act upon approval of an Administrative Services Contract between the City of Midlothian and Midlothian Economic Development

2012-373 Consider and act upon approval of an Administrative Services Contract between the City of Midlothian and the Midlothian Community Development Corporation

2012-374 Consider and act upon a resolution authorizing the Midlothian Independent School District ("MISD") 2012 Homecoming Parade, an event hosted by the MISD, scheduled for Friday, October 26, 2012, in accordance with a Special Event Permit as established by the City of Midlothian Zoning Ordinance 89-13 as amended, Section 4.4 (Case No. RES19-2011-72)

2012-375 Consider and act upon a resolution authorizing the Midlothian Chamber of Commerce Fall Festival/Christelle Moser Memorial 5K Run/Walk, an event hosted by the Midlothian Chamber of Commerce and scheduled for Saturday, October 20, 2012, in accordance with a Special Event Permit as established by the City of Midlothian Zoning Ordinance 89-13 as amended, Section 4.4 (Case No. RES21-2011-79)

2012-376 Consider and act upon a resolution approving a funding request by the City of Midlothian in the amount of twelve thousand five hundred and 00/100 (\$12,500.00) dollars, to be awarded by the Midlothian Community Development Corporation (MCDC or 4B) to fund the purchase of a 20' pre-lit artificial Christmas tree for use during the holiday season in Heritage Park

2012-377 Item to be considered at October 23, 2012 City Council meeting.

**JOINT PUBLIC HEARING
OF THE
MIDLOTHIAN CITY COUNCIL
AND
CITY OF MIDLOTHIAN PLANNING AND ZONING COMMISSION
Tuesday, October 9, 2012
6:00 p.m.**

Pursuant to the provisions of Chapter 551 VTCA Government Code, notice is hereby given of a Joint Public Hearing of the Midlothian City Council and Midlothian Planning and Zoning Commission, to be held in the Council Chambers of City Hall, 104 West Avenue E, Midlothian, Texas

- 2012-378 Call to order of the City of Midlothian Planning and Zoning Commission
- 2012-379 Conduct a joint public hearing between the City Council and Planning & Zoning Commission to consider and act upon an ordinance requesting to rezone \pm 19.004 acres from Residential Three (R3) District to a Light Industrial (LI) District. Property is out of the Harrison F. Hinkley Survey, Abstract No. 459 and is located \pm 710 feet north of FM 1387 and \pm 1,200 feet west of North Midlothian Parkway, in the City of Midlothian, Texas (Case No. Z09-2011-75)
- 2012-380 Conduct a joint public hearing between the City Council and Planning & Zoning Commission to consider and act upon an ordinance requesting to rezone \pm 56.51 acres from Commercial (C) and Light Industrial (LI) Districts and \pm 295.633 acres Light Industrial (LI) District to a Planned Development (PD) District for light industrial uses totaling \pm 352.143 acres. Properties are known as Lot 1, Block 1 and Lots 1-3, Block 2 of The AutoPark and are located approximately north of FM 1387 and east of US Hwy 67, in the City of Midlothian, Texas (Case No. Z10-2011-76)

PUBLIC HEARING

- 2012-381 Conduct a public hearing to consider and act upon an ordinance to rezone \pm 11.871 acres out of the Daniel Weaver Survey, Abstract No. 1138 from the current Agricultural (A) and Single Family One (SF-1) Districts to a Light Industrial (LI) District. Property is generally located south of US Hwy. 287 and southwest Rex Odom Drive, in the City of Midlothian, Texas (Case No. Z08-2011-64)

REGULAR AGENDA

- 2012-382 Citizens to be heard
- 2012-383 Receive an update on various City Board and Commission meetings and activities
- 2012-384 Receive a presentation on and discuss an overview of Municipal Management Districts and the Proposed Windsor Hills Development
- 2012-385 Consider and act upon an ordinance approving the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (the "Act"), providing tax incentives, designating a liaison for communication with interested parties, and nominating Ash Grove Cement Company to the Office of the Governor Economic Development & Tourism ("EDT") through the Economic Development Bank ("Bank") as a Double Jumbo Enterprise Project (the "Project") (Case Number M01-2012-03)
- 2012-386 Consider and act upon approval of the Economic Development Performance Agreement between Ash Grove Texas LP and Midlothian Economic Development for improvements to property located at 900 Gifco Road, in Ash Grove Addition, Block 1, Lot 1R of the Northwest Tax Reinvestment Zone, City of Midlothian, Texas

- 2012-387 Review, discuss and direct staff as appropriate regarding the potential assumption of ownership and maintenance responsibilities for a segment of FM 663 (S. 9th Street), from US 287 Business (Main Street) to the US Highway 287 northbound access road/ramp
- 2012-388 Consider and act upon an ordinance authorizing the issuance and sale of City of Midlothian, Texas General Obligation Refunding Bonds, Series 2012, in an aggregate amount not to exceed \$8,000,000; and ordaining other matters related thereto, including immediate effectiveness

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).

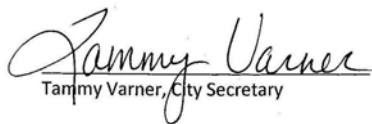
1. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
2. Section 551.087 Deliberation regarding economic development negotiations
3. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property and easements necessary for roadway, utility and parks improvement projects
4. Section 551.071 Legal: Consultation with attorney regarding City of Midlothian v. Randall Denton, MidTexas International Center, Inc., Texas Properties Trust and Trade Zone Operations, Inc.
5. Section 551.071 Legal: Consultation with attorney based on an ethical duty to advise regarding potential litigation

This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting the Council reserves the right to adjourn into Executive Session on any of the above posted agenda items in accordance with the Sections 551.071 (litigation and certain consultation with attorney), 551.072 (acquisition of interest in real property), 551.073 (contract for gift to city), 551.074 (certain personnel deliberations) or 551.076 (deployment/implementation of security personnel or devices).

REGULAR AGENDA

- 2012-389 Action resulting from Executive Session, Item #1: Texas Central Business Lines
- 2012-390 Action resulting from Executive Session, Item #2: Economic Development
- 2012-391 Action resulting from Executive Session, Item #3: Real Estate
- 2012-392 Action resulting from Executive Session, Item #4: Denton
- 2012-393 Action resulting from Executive Session, Item #5: Contemplated litigation
- 2012-394 Adjourn

I, Tammy Varner, 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 October, 2012 at or before 5:00 p.m.


Tammy Varner, 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.