

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

2012-423 Announcements/Presentations

- a. Community Affairs calendar
- b. Proclamation recognizing November as Hospice Month
- c. Salvation Army Red Kettle campaign kick-off
- d. Presentation by Finance Director regarding General Obligation Refunding Bonds
- e. Quarterly Investment Report presentation by Linda Patterson of Patterson & Assoc.
- f. 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.

2012-424 Consider and act upon minutes from City Council meeting of October 23, 2012

2012-425 Consider and act upon a resolution authorizing the Southern Star Christmas Celebration and Parade hosted by the Midlothian Downtown Business Association, Midlothian Area Historical Society, Midlothian Rotary Club and the City of Midlothian on Saturday, December 1, 2012 (if cancelled due to inclement weather, the event will be rescheduled to the following Saturday, December 08, 2012), 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) (Case No. RES02-2012-18)

2012-426 Consider and act upon a resolution establishing energy conservation goals as required by Texas Health and Safety Code 388.005, as amended by Senate Bill 898 of the 82nd Legislative Session of 2011, State of Texas; requiring the filing of an annual report in compliance with the City's energy conservation goals with the State Energy Conservation Office ("SECO") on a form provided by SECO; and providing for an effective date (Case No. RES04-2012-21)

PUBLIC HEARINGS

2012-427 Conduct a public hearing to consider and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 89-13, as amended, amending Section 7.4-10, Signs Located in the Central Business District, incorporating changes to various articles, sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. OZ02-2012-02)

- 2012-428 Conduct a public hearing to consider and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 89-13, as amended, primarily amending setback requirements for Accessory Buildings found in Sections 5.1-4, 5.1A-5, 5.1B-5, 5.1C-5, 5.1D-5, 5.4A-4, 5.5-4, 5.6-4, 5.7-4, 5.8-4, 5.9-4, 5.10-4, 5.11-4, 5.12-4, 5.13-4, 5.14-4, 5.15-4, 5.16-4, 7.1-2, 7.2 and 7.3, incorporating changes to various articles, sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. OZ01-2012-01)

REGULAR AGENDA

- 2012-429 Citizens to be heard
- 2012-430 Receive an update on various City Board and Commission meetings and activities
- 2012-431 Consider and act upon a resolution authorizing the use of a temporary concrete batch plant for the purpose of constructing the extension of Power Way, providing for procedures established by the Texas Local Government Code and City Ordinance; providing for conditions and exemptions; and setting an effective date and termination date (Case No. RES03-2012-15)
- 2012-432 Consider and act upon an ordinance repealing Ordinance No. 2001-43 in its entirety and adopting an ordinance, “Cross Connection Control and Backflow Prevention Program” by establishing policy attached hereto as Exhibit “A”; adopting a Water Service Agreement attached hereto as Appendix A to be executed by all new water customers of the City of Midlothian Water System; providing that this ordinance shall be cumulative of all ordinances; providing for a repealer clause; providing for a severability clause; providing for a penalty clause that any violation of the terms of this ordinance is declared to be a misdemeanor, and any person found to be guilty thereof shall be punishable by a fine not to exceed two thousand dollars (\$2,000), and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly; and providing for an effective date
- 2012-433 Consider and act upon Modification No. 1 to an Engineering Services Agreement with Schrickel, Rollins and Associates, Inc. for Phase II design on Water Treatment Plant No. 2 in an amount not to exceed \$237,580

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).

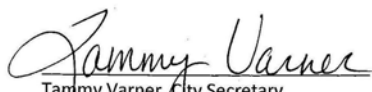
1. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
2. Section 551.087 Deliberation regarding economic development negotiations
3. Section 551.072 Real Estate: Deliberate and consider the acquisition of 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

- 2012-434 Action resulting from Executive Session, Item #1: Texas Central Business Lines
- 2012-435 Action resulting from Executive Session, Item #2: Economic Development
- 2012-436 Action resulting from Executive Session, Item #3: Real Estate
- 2012-437 Action resulting from Executive Session, Item #4: Denton
- 2012-438 Action resulting from Executive Session, Item #5: Contemplated litigation
- 2012-439 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 9th day of November, 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.**