

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

**Tuesday, April 9, 2013  
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 City Council Chambers at Midlothian City Hall, 104 West Avenue E, Midlothian, Texas

**REGULAR AGENDA**

Call to Order, Invocation and Pledge of Allegiance

2013-114 Announcements/Presentations

- a. Community Affairs calendar
- b. Proclamation designating May as Motorcycle Safety Month
- c. Administrative announcements related to personnel

2013-115 Citizens to be heard

2013-116 Receive an update on various City Board and Commission meetings and activities

**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.*

2013-117 Consider and act upon minutes from City Council meeting of March 26, 2013

2013-118 Consider and act upon a resolution authorizing the 5K 4Kids and Fun Run. This event will be hosted by the Midlothian Independent School District Education Foundation (MISDEF) and is scheduled for Saturday, April 27, 2013, 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. RES09-2012-51)

2013-119 Consider and act upon a resolution authorizing the annual Spring Fling Arts and Crafts Fair, Midlothian's 125<sup>th</sup> Birthday Bash, and the 8<sup>th</sup> Street Dance including the temporary closure of N. 8<sup>th</sup> Street between W. Main Street & Fire Station No. 1 and W. Avenue F between N. 8<sup>th</sup> Street and Plaza Drive (as indicated on map on Attachment 1). This event is hosted by the Midlothian Chamber of Commerce and the City of Midlothian and scheduled for Saturday, April 27, 2013, in accordance with the zoning requirements for this type of event, as established by the City of Midlothian Zoning Ordinance 89-13, as amended, Section 4.4 (Case No. RES10-2012-53)

**PUBLIC HEARINGS**

2013-120 Conduct a public hearing to consider and act upon an ordinance to rezone ± 68.371 acres from the current Agricultural (A) District to a Planned Development (PD) with minimum lot sizes of 8,400 and 20,000 square feet. Property is in the W.W. Rawls Survey, Abstract No. 915 and located west of FM 663 and ± 670 feet south of Harvest Hill, in the City of Midlothian, Texas (Case No. Z03-2012-25)

2013-121 Conduct a public hearing to consider and act upon an ordinance for a Specific Use Permit (SUP) to allow a dog training facility at 2030 Starwashed Road. Property is zoned Agricultural (A) District, containing ± 2.5 acres, and generally located on eastside of Starwashed Road and 200 feet south of Walter Stephenson Road. (SUP04-2012-40)

- 2013-122 Conduct a public hearing to consider and act upon an ordinance for a Specific Use Permit (SUP) to allow a secondary dwelling unit on 1335 Tower Road. Property is located in the Agricultural (A) District, contains ± 2.173 acres and generally located north of Tower Road and ± 3,204 feet east of F.M. 663, in the City of Midlothian, Texas (Case No. SUP02-2012-43)

### REGULAR AGENDA

- 2013-123 Consider and act upon an ordinance repealing Ordinance No.'s. 483 (05-12-81), 98-58, 2005-61 and 2008-47 in their entirety and adopting a new Flood Damage Prevention Ordinance by establishing regulations to minimize flood losses and remain in compliance with Federal Emergency Management Agency (FEMA) regulations; providing a severability clause; providing for a penalty clause for violations of or non-compliance with this ordinance; providing for governmental immunity; providing for injunction; providing that this ordinance shall be cumulative of all ordinances; providing for a repealer clause; and providing for an effective date.
- 2013-124 Consider and act upon a resolution authorizing Don Hastings, City Manager, acting on behalf of the City of Midlothian, to make a final offer to Linda Pauline Todd Gentry and David Eugene Gentry in the amount of \$1,457 for the acquisition of a water line and sanitary sewer easement described as 0.072 acres/3,146 square feet and two temporary construction easements described in total as 0.192 acres/8,388 square feet, located in the J.L. Blanton Survey, Abstract No. 1284, Midlothian, Ellis County, Texas, as described in Exhibit "A" and shown in Exhibit "B" attached hereto and made a part hereof for all purposes, said easements are fully described in the proposed resolution.

### 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
4. Section 551.071 Legal: Consultation with attorney regarding Supreme Court of Texas Cause No. 10-0150, ECOM Real Estate Management, Inc. v. City of Midlothian, Texas.
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

- 2013-125 Action resulting from Executive Session, Item #1: Texas Central Business Lines
- 2013-126 Action resulting from Executive Session, Item #2: Economic Development
- 2013-127 Action resulting from Executive Session, Item #3: Real Estate
- 2013-128 Action resulting from Executive Session, Item #4: ECOM
- 2013-129 Action resulting from Executive Session, Item #5: Contemplated litigation

2013-130 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 5<sup>th</sup> day of April, 2013 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.**