

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

**Tuesday, May 14, 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
- 2013-162 Canvass votes from City Council election of May 11, 2013
- 2013-163 Administer Oath of Office to Councilmembers Place 3 and 4
- 2013-164 Elect Mayor pro tem
- 2013-165 Conduct drawing for place on ballot in the June 8 runoff election (if necessary)
- 2013-166 Announcements/Presentations
 - a. Community Affairs calendar
 - b. Administrative announcements related to personnel
- 2013-167 Citizens to be heard
- 2013-168 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.

- 2013-169 Consider and act upon minutes from City Council meeting of April 23, 2013
- 2013-170 Consider and act upon a resolution providing for a June 8, 2013 runoff election to be held to elect Councilmember Place 3 in the City of Midlothian; defining the term of office; designating the polling location; designating the election judge and providing for clerical personnel; designating the time and place for said election (action to be taken only if a runoff election becomes necessary).
- 2013-171 Consider and act upon a resolution to authorize the Midlothian Downtown Farmers Market to be hosted by the Midlothian Downtown Business Association to be held each Saturday, June 1, 2013 through October 26, 2013, 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. RES14-2012-58)
- 2013-172 Consider and act upon a resolution authorizing the Midlothian Heroes Benefit 5K Run for the families of Chris Kyle and Chad Littlefield, an event hosted by the Midlothian Heroes and scheduled for Saturday, May 18, 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. RES13-2012-79)

- 2013-173 Consider and act upon a resolution authorizing the use of a temporary concrete batch plant in The Rosebud Addition, Section 4, for the purpose of developing a new subdivision of single-family homes, including streets, within a residential district and 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. Res15-2012-59)

PUBLIC HEARINGS

- 2013-174 Conduct a public hearing to consider and act upon an ordinance for a Specific Use Permit (SUP) to allow a mobile telecommunication tower and equipment at 1050 US Highway 67. Property is zoned Light Industrial (LI) District, containing \pm 0.459 acres, and generally located south of US Highway 67 northbound service road and east of Green Acres, in the City of Midlothian, Texas (SUP04-2012-47)
- 2013-175 Conduct a public hearing to consider and act upon an ordinance to rezone \pm 28.79 acres from the current Single Family Four (SF-4), Residential 2.5 (R2.5) and Medium Density One (MD-1) Districts to Community Retail (CR) and Single Family Four (SF-4) Districts. Property is in the J.B. Littlepage Survey, Abstract No. 643 and the Allen Reeves Survey, Abstract No. 939, and is generally located north of US Hwy 67 and west of Overlook Drive, in the City of Midlothian, Texas (Case No. Z09-2012-50)
- 2013-176 Conduct a public hearing to consider and act upon an ordinance for a Specific Use Permit (SUP) to allow a non-profit donation collection facility at 250 Eric Street. Property is zoned Planned Development 10, containing \pm 0.6897 acres, and generally located south of Ave. F and east of Eric Street, in the City of Midlothian, Texas. (Case No. SUP05-2012-49)
- 2013-177 Continue a public hearing to consider and act upon an ordinance to rezone \pm 1,167.375 acres from the current Agricultural (A) District to a Planned Development District (PD) for residential uses (*single-family, townhomes and multi-family*) non-residential uses (*commercial and light industrial*) and open spaces. Property encompasses two (2) tracts: the north tract contains \pm 966.36 acres and generally located north of US Hwy. 287 and east of Walnut Grove Road and the south tract contains \pm 201.01 acres generally located south of the Southern Pacific Railroad and east and southeast of Plainview Road in the City of Midlothian, Texas (Case No. Z05-2012-27)

REGULAR AGENDA

- 2013-178 Consider and act upon Modification No. 1 to an Engineering Services Agreement with Schrickel, Rollins and Associates, Inc. for the FM 663 at US Highway 287 Bridge Reconstruction and Widening Project in an amount not to exceed \$50,200
- 2013-179 Consider and act upon approving an auction to sell miscellaneous items that are outdated, broken or beyond economical repair
- 2013-180 Consider and act upon an ordinance of the City Council of the City of Midlothian, Texas, (“City”) approving and adopting rate schedule “RRM – RATE REVIEW MECHANISM” for Atmos Energy Corporation, Mid-Tex Division to be in force in the City for a period of time as specified in the rate schedule; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the company and ACSC legal counsel.
- 2013-181 Consider and act upon an Interlocal Agreement between the City of Red Oak and the City of Midlothian, Texas to authorize Midlothian to provide 9-1-1 communication and dispatch services to Red Oak.
- 2013-182 Consider and act upon the final site selection for the proposed skate park

2013-183 Consider and act upon an agreement with Insituform Technologies, Inc. of Corinth, Texas for the 2013 Manhole Rehabilitation Program using the SpectraShield multi-layered liner system, in an amount not to exceed \$73,000

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).

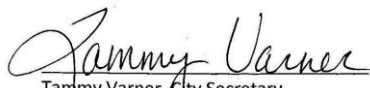
1. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
2. Section 551.087 Deliberation regarding economic development negotiations
3. Section 551.072 Real Estate: Deliberate and consider the acquisition of 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), 551.076 (deployment/implementation of security personnel or devices) or 551.087 (economic development negotiations).

REGULAR AGENDA

- 2013-184 Action resulting from Executive Session, Item #1: Texas Central Business Lines
2013-185 Action resulting from Executive Session, Item #2: Economic Development
2013-186 Action resulting from Executive Session, Item #3: Real Estate
2013-187 Action resulting from Executive Session, Item #4: ECOM
2013-188 Action resulting from Executive Session, Item #5: Contemplated litigation
2013-189 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 10th day of May, 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.**