

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

**Tuesday, December 10, 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

2013-478 Announcements/Presentations

a. Community Affairs calendar

b. Administrative announcements related to personnel

2013-479 Citizens to be heard

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.

2013-480 Consider and act upon minutes from City Council meetings of November 5 and November 12, 2013

2013-481 Consider and act upon an Interlocal Agreement between the City of Midlothian, Texas and the Department of Public Safety to authorize Midlothian Police Department to purchase alcohol blood test kits

2013-482 Consider and act upon an ordinance creating a municipal court of record known as Midlothian Municipal Court No. 1 and establishing jurisdiction

2013-483 Consider and act upon approval of a resolution authorizing the Reindeer Dash 5K Run/Walk. The event will be hosted by the Midlothian Independent School District on Monday, December 16th, 2013, in accordance with zoning requirements for Special Events as established by the City of Midlothian Zoning Ordinance 2013-24, as amended, Section 2.04 (Use Table) (Case No. SEP06-2013)

PUBLIC HEARINGS

2013-484 Conduct a public hearing and act upon an ordinance to rezone \pm 1.100 acres from Agricultural (A) District to Single Family One (SF-1) District. Property is located at the northwest corner of the intersection of Kirk Road and Lon Hayes, in the City of Midlothian, Texas (Case No. Z03-2013-08)

2013-485 Conduct a public hearing and act upon an ordinance for a Specific Use Permit (SUP) to allow a daycare on property currently zoned Single Family One (SF-1) District. Property contains \pm 1.100 acres and is located at the northwest corner of the intersection of Kirk Road and Lon Hayes, in the City of Midlothian, Texas (Case No. SUP01-2013-09)

PUBLIC HEARINGS (CONTINUED)

- 2013-486 Conduct a public hearing and act upon an ordinance to rezone ±83.68 acres from Medium Industrial (MI) and Light Industrial (LI) Districts to Heavy Industrial (HI) District. The property is located in the RailPort Business Park being a part of the Samuel G. Haynie Survey, Abstract No. 526, William Mullen Survey, Abstract No. 748, Bucknam Canfield Survey, Abstract No. 196 and the Moses Lapham Survey, Abstract No. 648. The subject property is located approximately 2,200 feet southeast of U.S Hwy 67 and southwest of RailPort Parkway in the City of Midlothian, Texas (Case No. Z01-2013-03)
- 2013-487 Conduct a public hearing to consider and act upon an ordinance to rezone ± 30.29 acres from the current Agricultural (A) District to a Planned Development District (PD) for residential uses (single family lots ranging from 7,500 SF to 9,000 SF +) and open spaces. Property is in the P.W. Lowe Survey, Abstract No. 661 and G.W. Smith Survey, Abstract No. 1074 and generally located at the northeast intersection of Mockingbird Lane and Onward Road, in the City of Midlothian, Texas (Case No. Z04-2013-11)
- 2013-488 Conduct a public hearing and act upon an ordinance to rezone ±5.688 acres from Agricultural (A) District to Single Family - One (SF-1) District. Property is located in the GB Glover Survey, Abstract 1219, and is located west of Singleton Road and south of FM 875, in the City of Midlothian, Texas (Case No. Z02-2013-05)
- 2013-489 Conduct a public hearing and act upon an ordinance for a Specific Use Permit (SUP) to allow installation and use of radio antennas towers at 1) Wastewater Treatment Plant (1750 Auger Road); 2) RailPort Lift Station (3031 RailPort Parkway); 3) East Lift Station (800 E. Avenue F) and 4) Southeast Lift Station (5078 East US Highway 287), all located in the City of Midlothian, Texas (SUP02-2013-12)

REGULAR AGENDA

- 2013-490 Conduct and act upon a resolution initiating proceedings to annex approximately 137.85 acres of land described as Oak Hollow Estates out of the J. L. Blanton Survey, Abstract No. 1284, Ellis County, Texas (the “Annexation Area”); by directing City staff to finalize the boundary description and land area total for the Annexation Area, by setting the date and location for two (2) public hearings, and directing staff to prepare the required service plan. (Case No. AX01-2013-18)
- 2013-491 Conduct and act upon a resolution initiating proceedings to annex approximately 604 acres of land out of the J.P. Peak Survey, Abstract No. 881, the J. Pondexter Survey, Abstract No. 882, the S. Smith Survey, Abstract No. 973, the J.B. Orr Survey, Abstract No. 818, the E. Sullivan Survey, Abstract No. 1012, the A.J. Corneius Survey, Abstract No. 1285, the N.N.J.J. & B.L. Edwards Survey, Abstract No. 339, the E.A. Braly Survey, Abstract No. 184, and the M.H. Davis Survey, Abstract No. 278, Ellis County, Texas (the “Annexation Area”); and directing City staff to finalize the boundary description and land area totals for the Annexation Area, by setting the date and location for two (2) public hearings, and directing staff to prepare the required service plan. (Case No. AX02-2013-23)
- 2013-492 Conduct and act upon a resolution initiating proceedings to annex approximately 824 acres of land out of the R. Berry Survey, Abstract No. 42, the M.E.P. & P.R.R. Co. Survey, Abstract No. 760, the B. Canfield Survey, Abstract No. 196, and the A.J. Rugely Survey, Abstract No. 924, Ellis County, Texas (the “Annexation Area”); by directing City staff to finalize the boundary descriptions and land area totals for the Annexation Area, by setting the date and location for two (2) public hearings, and directing staff to prepare the required service plan. (Case No. AX03-2013-24)

REGULAR AGENDA (CONTINUED)

- 2013-493 Consider and act upon approving the expenditure of funds for pavement resurfacing services for Walnut Grove Road with APAC-Texas, Inc. in an amount not to exceed \$275,000
- 2013-494 Consider and act upon a proposal from hotel developer, Gatehouse Capital, for a 60-day initial study period to develop a fully vetted program for the development of a 100-120 key upscale hotel with some meeting space and food and beverage offering to be located adjacent to the Midlothian Conference Center and capitalize on the conference center activity
- 2013-495 Consider and act upon an ordinance amending the FY 2013-2014 General Fund budget appropriations in the amount of \$75,428.29 from the General Fund unreserved fund balance for expenditures encumbered but not yet expended from the FY 2012-2013 General Fund budget; in accordance with Chapter 102, Local Government Code; appropriating various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause; and establishing an effective date
- 2013-496 Consider and act upon an ordinance amending the FY 2013-2014 General Fund budget appropriations in the amount of \$242,847 from the General Fund unreserved fund balance for expenditures not encumbered nor expended from the FY 2012-2013 General Fund budget; in accordance with Chapter 102, Local Government Code; appropriating various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause; and establishing an effective date
- 2013-497 Consider and act upon an ordinance amending the FY2013-2014 Utility Fund budget appropriations in the amount of \$215,470.39 from the Utility Fund unreserved fund balance for expenditures encumbered but not yet expended from the FY2012-2013 Utility Fund budget; in accordance with Chapter 102, Local Government Code; appropriating various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause; and establishing an effective date
- 2013-498 Consider and act upon an ordinance amending the FY 2013-2014 Utility Fund budget appropriations in the amount of \$513,655 from the Utility Fund unreserved fund balance for expenditures not encumbered nor expended from the FY 2012-2013 Utility Fund budget; in accordance with Chapter 102, Local Government Code; appropriating various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause; and establishing an effective date
- 2013-499 Consider and act upon a resolution authorizing the Midlothian City Attorney, acting on behalf of the City of Waxahachie and the City of Midlothian, to institute eminent domain proceedings against Ken Thompson, for the acquisition of 7.118 acres of land, in fee simple, situated in the J. R. Leath Survey, Abstract No. 634, located in Ellis County, Texas. Subject property to be acquired is fully described in the proposed resolution. Subject property is to be acquired for drainage and other public uses for the Midway Regional Airport

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 551.087 Deliberation regarding economic development negotiations
2. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property and easements
3. 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.

4. 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

- 2013-500 Action resulting from Executive Session, Item #1: Economic Development
2013-501 Action resulting from Executive Session, Item #2: Real Estate
2013-502 Action resulting from Executive Session, Item #3: ECOM
2013-503 Action resulting from Executive Session, Item #4: Contemplated litigation
2013-504 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 6th day of December, 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.**