

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, April 22, 2014
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
- 2014-148 Announcements/Presentations
- a. Community Affairs calendar
 - b. Proclamation designating May as Motorcycle Safety Month
 - c. Administrative announcements related to personnel
- 2014-149 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.

- 2014-150 Consider and act upon minutes from City Council meeting of April 1 and April 8, 2014
- 2014-151 Consider and act upon a resolution authorizing the sale of 0.3878 acres (16,893 sq. ft) in the City of Midlothian, Ellis County, Texas to Hobart Ambuehl and the sale of 0.0737 acres (3,212 sq. ft.) to MidTexas International Center, Inc.; said conveyances being authorized by Section 272.001(b)(c), Texas Local Government Code, V.A.T.S.
- 2014-152 Consider and act upon awarding a contract to Ferguson Waterworks for the purchase of Water and Sewer Maintenance Supplies
- 2014-153 Consider and act upon a resolution authorizing the Third Annual Midtowne Block Party, located and hosted by property owners in a section of MidTowne, scheduled for Saturday, April 26, 2014, in accordance with a Special Event Permit as established by the City of Midlothian Zoning Ordinance 2013-24 as amended, Section 2.04 (Use Table) (Case No. SEP19-2013)
- 2014-154 Consider and act upon a resolution authorizing Jazz Under The Stars outdoor concert hosted by the Midlothian Independent School District Jazz Band scheduled for Saturday, May 1, 2014, 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. SEP20-2013)

PUBLIC HEARINGS

- 2014-155 Conduct a public hearing to receive public input and consider and act upon an ordinance amending Article 15, Impact Fees, of the City of Midlothian, as established by Ordinance No. 99-12, as amended, specifically Impact Fee Schedule 2 - Residential, to consider a city-wide increase to the impact fee assessment amount for residential roadway impact fees from \$123.67 per equivalent service unit to a new assessment amount not to exceed fifty percent (50%) of actual cost per equivalent service unit as defined by State statute and as set forth in Schedule 1 of Ordinance No. 99-12, as amended (Case No. M06-2013-38)

- 2014-156 Conduct a public hearing and act upon an ordinance designating a certain area as a reinvestment zone for commercial-industrial tax abatement in the City of Midlothian, Texas to be known as the Texas RailPort Commercial-Industrial Tax Abatement Reinvestment Zone No. 11, City of Midlothian, Texas; establishing the boundaries thereof; and providing for an effective date

REGULAR AGENDA

- 2014-157 Consider and act upon a resolution authorizing execution of an ad valorem tax abatement agreement with Midlothian LNG, LLC
- 2014-158 Consider and act upon a Loan Agreement between Midlothian LNG, LLC and Midlothian Economic Development in the amount of \$500,000, for a term of five (5) years, with twenty percent (20%) of the original loan amount being forgiven yearly, up to the loan maturity date, provided certain criteria are certified as met, annually, by the company
- 2014-159 Consider and act upon an ordinance repealing Ordinance 2008-22 (Water Conservation Plan) and Ordinance 2008-52 (Drought Contingency Plan) in their entirety and adopting an ordinance setting forth new rules and regulations for a Drought Contingency Plan and Water Conservation Plan for Retail and Wholesale Customers; providing that this ordinance shall be cumulative of all ordinances; providing for a repealer clause; providing for a penalty 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 (\$2,000.00); each day that such violation continues shall constitute a separate offense and shall be punishable accordingly; providing for a severability clause; and setting an effective date
- 2014-160 Consider and act upon a petition for the voluntary annexation of ± 51.466 acres of land, according to Texas Local Government Code, Section 43.028. Subject property is in the John Crane Survey, Abstract No. 246 and the Samuel Fredrick Survey, Abstract No. 357, being located at the southeast corner of the intersection of Shiloh Road and Walnut Grove Road, in the extraterritorial jurisdiction (ETJ) of the City of Midlothian, Texas; and, if the petition is granted, adopt an ordinance to annex the area lying within the extraterritorial jurisdiction (ETJ) of the City of Midlothian that is contiguous and adjacent to the present boundaries of the City of Midlothian, Texas. (Case No. AX04-2013-57)
- 2014-161 Consider and act upon an ordinance extending the municipal boundary limits of the City of Midlothian, Texas, by voluntary annexation of ± 51.466 acres of land (the Annexation Area) in accordance to Chapter 43.028 of the Texas Local Government Code. Said Annexation Area is in the John Crane Survey, Abstract No. 246 and the Samuel Fredrick Survey, Abstract No. 357, being located at the southeast corner of the intersection of Shiloh Road and Walnut Grove Road, lying within the extraterritorial jurisdiction (ETJ) of the City of Midlothian, Texas and adjoining the present boundary limits; Providing that the annexed property shall be subject to the ad valorem taxes levied by the City of Midlothian and that the inhabitants of the annexed property shall be entitled to all rights and privileges of all the regulations of the City of Midlothian now in effect and hereinafter adopted; Annexation Area being fully described in the Exhibits “A & B” attached hereto and made a part of this Ordinance; providing a severability clause; providing for an effective date; and providing for the publication of the caption of this ordinance (Case No. AX04-2013-57)
- 2014-162 Review as appropriate major issue areas as prioritized by the City Council at the April 1, 2014 Council workshop
- 2014-163 Review and approve a draft agenda for the May 6th City Council Workshop and direct staff as necessary

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: Deliberation regarding real property - to deliberate the purchase, exchange, lease or value of real property
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

- 2014-164 Action resulting from Executive Session, Item #1: Economic Development
- 2014-165 Action resulting from Executive Session, Item #2: Real Estate
- 2014-166 Action resulting from Executive Session, Item #3: ECOM
- 2014-167 Action resulting from Executive Session, Item #4: Contemplated litigation
- 2014-168 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 18th day of April, 2014 at or before 6:00 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.**