

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, October 14, 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
- 2014-406 Announcements/Presentations
- a. Community Affairs calendar
 - b. Proclamation recognizing November as National Hospice Month
 - c. Midlothian Fire Department "Pink Out Day" presentation
 - d. Administrative announcements related to personnel
- 2014-407 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.

- 2014-408 Consider and act upon minutes from City Council meeting of September 23, 2014.
- 2014-409 Consider and act upon authorizing the interim City Manager to execute a Nonexclusive Revocable License Agreement with First Baptist Church Midlothian for the installation of communication lines across S. Midlothian Parkway.

PUBLIC HEARINGS

- 2014-410 Conduct a public hearing and act upon an ordinance to allow a Specific Use Permit (SUP) request for Beef O'Brady Restaurant. Property is currently zoned Community Retail (CR) District, and contains \pm 1.316 acres, being in the William Hawkins Survey, Abstract No. 465 and the B.F. Hawkins Survey, Abstract No. 464, and generally located south of George Hopper Road \pm 500 feet east of Silken Crossing, in the City of Midlothian, Texas. (Case No. SUP04-2013-115)
- 2014-411 Conduct a public hearing to consider and act upon an ordinance amending the City of Midlothian Zoning Ordinance 2013-24, as amended, by rezoning \pm 4.374 acres from the current Planned Development No. 33 (PD-33) District for multi-family and retail uses to a Planned Development District (PD) for residential townhome uses. Property is located in the W. M. Hawkins Survey, Abstract 465, being located north of East Ridge Drive and \pm 400 feet east of North 14th Street, in the City of Midlothian, Texas (Case No. Z06-2013-30)

- 2014-412 Conduct a public hearing of Case No. AX08-2013-123, the first of two public hearings for a proposed annexation and service plan for the provision of public services of approximately ± 103 acres of the land, described herein as the Annexation Area, lying in the P.W. Lowe Survey - Abstract No. 661 (Mockingbird Acres), the G.W. Smith Survey - Abstract No. 1074, the Argyle W. Tucker Survey – Abstract No. 1096, and the Granville Kirk Survey – Abstract No. 604 in the extraterritorial jurisdiction (ETJ) of the City of Midlothian and adjoining the present city limit boundary lines. The proposed annexation and service plan being fully described in Attachments 1 and 3 attached hereto and made a part hereof for all purposes of the annexation procedures, in accordance with Chapter 43 of the Texas Local Government Code
- 2014-413 Conduct a public hearing of Case No. AX09-2013-124, the first of two public hearings for a proposed annexation and service plan for the provision of public services of approximately ± 112 acres of the land, described herein as the Annexation Area, lying in the Robert Hosford Survey - Abstract No. 533, the John Early Survey - Abstract No. 343, and the Benjamin F. Witherspoon Survey – Abstract No. 1180 within the extraterritorial jurisdiction (ETJ) of the City of Midlothian and adjoining the present city limit boundary lines. The proposed annexation and service plan being fully described in Attachments 1 and 3 attached hereto and made a part hereof for all purposes of the annexation procedures, in accordance with Chapter 43 of the Texas Local Government Code
- 2014-414 Conduct a public hearing and act upon an ordinance to allow a Specific Use Permit (SUP) request allowing a soccer/athletic facility at 241 Masters Lane. Property is currently zoned Single Family Three (SF-3) District, and contains ± 4.672 acres in Twin Creeks, Unit 4, Lot 33R, Block 4, in the City of Midlothian, Texas. (Case No. SUP05-2013-117)
- 2014-415 Conduct a public hearing to consider and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 2013-24, as amended, Section 3.5400 (Residential Landscaping, Streetscaping, and Amenity Standards) and Section 3.5600 (Residential Parking and Garages), incorporating changes to various articles, sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. OZ03-2013-79)

REGULAR AGENDA

- 2014-416 Consider and act upon authorizing the Mayor to execute a Pipeline License Agreement with the BNSF Railway Company for a new sanitary sewer force main as part of the Midlothian Economic Development's Business Park Project.
- 2014-417 Consider and act upon a resolution directing publication of notice of intention to issue Certificates of Obligation, Series 2014; and providing an effective date.
- 2014-418 Consider and act upon authorizing City staff, Southwest Securities, as Financial Advisor, and McCall, Parkhurst & Horton, Bond Counsel, to proceed with the preparation of documents for a future bond sale to refund outstanding City obligations.
- 2014-419 Consider and act upon authorizing City staff, Southwest Securities, as Financial Advisor, and McCall, Parkhurst & Horton, Bond Counsel, to proceed with the preparation of documents in respect to the issuance of Midlothian Community Development Corporation Sales Tax Revenue Bonds for the purpose of funding the Hotel Improvements.
- 2014-420 Consider and act upon a recommendation from the Midlothian Economic Development Board of Directors to approve an Economic Development Performance Agreement providing a sales tax rebate incentive to Gatehouse Midlothian Ownership, LLC for development of the new Courtyard by Marriott hotel project.

- 2014-421 Consider and act upon a recommendation from the Midlothian Community Development Corporation Board of Directors to approve an Economic Development Performance Agreement providing a sales tax rebate incentive to Gatehouse Midlothian Ownership, LLC for development of the new Courtyard by Marriott hotel project.
- 2014-422 Consider and act upon a Chapter 380 Economic Development Performance Agreement to provide incentives to Gatehouse Midlothian Ownership, LLC for the development of a new Courtyard by Marriott hotel project.
- 2014-423 Consider and act upon authorizing the Interim City Manager to execute a Memorandum of Agreement with WeatherFlow, Inc. for the installation of a Sonic Detection and Ranging (SODAR) unit on the Water Treatment Plant No. 2 property.
- 2014-424 Review and approve draft agenda for the November 4th City Council Workshop; review City Council prioritized issues/ projects list; 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
5. Section 551.074 Personnel Matters: (a)(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - Fire Chief.

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

- 2014-425 Action resulting from Executive Session, Item #1: Economic Development
- 2014-426 Action resulting from Executive Session, Item #2: Real Estate
- 2014-427 Action resulting from Executive Session, Item #3: ECOM
- 2014-428 Action resulting from Executive Session, Item #4: Contemplated litigation
- 2014-429 Action resulting from Executive Session, Item #5: Fire Chief
- 2014-430 Adjourn

I, Mary McDonald, Deputy 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 October, 2014 at or before 6:00 p.m.



Mary McDonald, Deputy 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.**