

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, December 9, 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

2014-482 Announcements/Presentations

- a. Community Affairs calendar
- b. Proclamation recognizing Fire Chief David Schrodt upon his retirement
- c. Administrative announcements related to personnel

2014-483 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.

2014-484 Consider and act upon minutes from the City Council meeting of November 17, 2014.

2014-485 Consider and act upon the purchase of a 2015 F-250 pickup for the Fire Marshal, a 2015 F-450 brush truck, and a 2015 F-550 Air and Light Squad from Siddons-Martin Emergency Group under the Buy Board contract for a three vehicle total cost of \$413,996.00.

2014-486 Consider and act upon an ordinance amending the FY 2014-2015 General Fund budget appropriations in the amount of \$173,678.32 from the General Fund unreserved fund balance for expenditures encumbered but not yet expended from the FY 2013-2014 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.

2014-487 Consider and act upon an ordinance amending the FY 2014-2015 Utility Fund budget appropriations in the amount of \$184,660.73 from the Utility Fund unreserved fund balance for expenditures encumbered but not yet expended from the FY 2013-2014 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.

2014-488 Consider and act upon an ordinance amending the FY 2014-2015 General Fund budget appropriations in the amount of \$267,686 from the General Fund unreserved fund balance for expenditures not encumbered nor expended from the FY 2013-2014 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.

- 2014-489 Consider and act upon an ordinance amending the FY 2014-2015 Utility Fund budget appropriations in the amount of \$767,726 from the Utility Fund unreserved fund balance for expenditures not encumbered nor expended from the FY 2013-2014 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.
- 2014-490 Consider and act upon a First Amendment to Economic Development Performance Agreement between Midlothian Community Development Corporation and Gatehouse Midlothian Ownership, LLC for development of the new Courtyard by Marriott hotel project.

PUBLIC HEARINGS

- 2014-491 Conduct a public hearing to consider and act upon a request to rezone \pm 1,170 acres (Diamond "J" Ranch) from the current Agricultural (A) District to a Planned Development District (PD) for residential uses (\pm 913 acres of single family detached lots ranging from 5,250 to 10,400 square feet), non-residential uses (commercial and light industrial uses including reservations) and open spaces. Property encompasses two (2) tracts: the north tract contains \pm 969 acres being generally located north of US Hwy. 287 and east of Walnut Grove Road; and the south tract contains \pm 201 acres generally located south of the Southern Pacific Railroad and east and southeast of Plainview Road in the City of Midlothian, Texas. (Case No. Z01-2014-05)
- 2014-492 Conduct a public hearing and act upon an ordinance to allow a Specific Use Permit (SUP) request allowing a secondary dwelling unit on 430 South Clinton Lane. Property contains 0.99 acres and is zoned Single Family Three (SF-3) District, being located west of South Clinton Lane Road and \pm 375 feet north of Cottonwood Drive, in the City of Midlothian, Texas (Case No. SUP01-2014-06)
- 2014-493 Conduct a public hearing to consider and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 2013-24, as amended, by rezoning \pm 33.29 acres from the current Agricultural (A) District to a Planned Development (PD) District for residential uses (single-family \pm 31.336 acres) and open spaces (\pm 1.954 acres). Property is situated in the ASA Newton Survey, Abstract No. 802 and generally located at the intersection of F.M. 663 and Tower Road, in the City of Midlothian, Texas. (Case No. Z18-2013-89)
- 2014-494 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)
- 2014-495 Conduct a public hearing and act on a proposed ordinance to amend the City of Midlothian Zoning Ordinance 2013-24, as amended, by the addition of Section 11, Tree Preservation, including the incorporation of modifications to various articles, sections and subsections of the Zoning Ordinance pertaining to landscaping; establishing a Midlothian Tree Mitigation Fund; providing a conflicts clause; providing a severability clause, providing for the enforcement of said amendments, establishing a penalty for violations, and providing for an effective date. (Case No. OZ01-2014-01)
- 2014-496 Conduct a public hearing on a hotel project to be undertaken by the Midlothian Community Development Corporation

REGULAR AGENDA

- 2014-497 Consider and act upon a resolution approving the resolution authorizing the issuance of bonds by the Midlothian Community Development Corporation (second reading; council action to be taken)

- 2014-498 Consider and act upon an ordinance authorizing the issuance of City Of Midlothian, Texas Combination Tax And Revenue Certificates Of Obligation, Series 2014, and ordaining other matters related thereto, including immediate effectiveness
- 2014-499 Consider and act upon an ordinance authorizing the issuance and sale of City Of Midlothian, Texas Combination Tax And Revenue Refunding Bonds (Navarro College District), Series 2014, in the aggregate principal amount of \$3,555,000; and ordaining other matters related thereto, including immediate effectiveness.
- 2014-500 Consider and act upon an ordinance amending the City of Midlothian Code of Ordinances by adding Section 3.19 relating to the use of public tennis courts located within the City of Midlothian, Texas, including any public tennis court or complex jointly owned and/or operated by the City of Midlothian, Texas, and the Midlothian Independent School District (MISD)
- 2014-501 Consider and act upon a request to allow on-street parking on George Hopper Road for MidTowne Pharmacy. Property is currently zoned as Planned Development (PD-42) District and located on the south side of George Hopper Road ±130 feet west of South 14th Street, in the City of Midlothian, Texas (Case No. M04-2014-10)
- 2014-502 Consider and act upon an amended Developer's Agreement for Duvall Place Addition (Agreement No. 2008-1) regarding additional access onto Ledgestone Lane (Case No. M07-2014-20)
- 2014-503 Consider and act upon an ordinance to vacate and abandon portions of Avenue I, Avenue K, Avenue L, South 1st Street, and South 2nd Street rights-of-way and alleys. Said abandonment of these rights-of-way contains ± 3.798 acres and is generally located south of the existing intersection of South 2nd Street and Avenue I; declaring that these rights-of-way described in Exhibits A & B are unnecessary for use by the public; authorizing the Mayor of the City of Midlothian, Texas to execute a Quitclaim Deed releasing public ownership, interest or control of said right-of-way to the abutting fee simple property owner; providing for engrossment and enrollment and providing for an effective date (Case No. ROW01-2014-18)
- 2014-504 Consider and act upon a resolution adopting an Annexation Plan for the City of Midlothian and initiating a 3-year annexation process on one (1) relatively populated tract (Annexation Area) comprising a total of ± 3,471 acres (± 5.42 square miles) in accordance with Texas Local Government Code, Chapter 43, Subchapter C and setting an effective date (Case No. RES01-2014-23).
- 2014-505 Review and approve draft agenda for the January 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

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. Receive an update on the City Manager search.

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

- 2014-506 Action resulting from Executive Session, Item #1: Economic Development
2014-507 Action resulting from Executive Session, Item #2: Real Estate
2014-508 Action resulting from Executive Session, Item #3: ECOM
2014-509 Action resulting from Executive Session, Item #4: Contemplated litigation
2014-510 Action resulting from Executive Session, Item #5: Personnel
2014-511 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 5th day of December, 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.**