

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, September 8, 2015
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

2015-316 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.

2015-317 Consider and act upon minutes from the City Council meetings of August 20, 25, 31 and September 1, 2015.

2015-318 Consider and act upon a resolution authorizing the Midlothian Chamber of Commerce Fall Festival & 5K, an event hosted by the Midlothian Chamber of Commerce and scheduled for Saturday, October 17, 2015, 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. SEP26-2014)

2015-319 Consider and act upon a resolution authorizing Paws & Pumpkins, an event hosted by the Friends of Midlothian Animal Shelter and scheduled for Saturday, October 31, 2015, 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. SEP31- 2014)

2015-320 Consider and act upon a resolution authorizing the Chamber of Commerce Wine Walk hosted by the Midlothian Chamber of Commerce scheduled for Saturday, November 7, 2015, in accordance with the 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. SEP27-2014)

PUBLIC HEARINGS

2015-321 Continue a Public Hearing to consider and act upon a zoning request for The Reserve at Silken Crossing, containing \pm 17.055 acres from Community Retail (CR) District to a Planned Development District No. 79 (PD-79) for multifamily uses developed at a density not to exceed fourteen (14) living units per gross acre; being situated within the William Hawkins Survey, Abstract No. 465, and the Benjamin F. Hawkins Survey, Abstract No. 464, in the City of Midlothian, Ellis County, Texas; and being located on the south side of George Hopper Road, approximately 1,900 feet east of South 14th Street (Case No. Z09-2014-96). ***The applicant has requested this Public Hearing be continued indefinitely until reactivated by the applicant.***

2015-322 Conduct a second public hearing regarding the proposed FY 2015-2016 Annual Operating Budget for the City of Midlothian and take a record vote to adopt the FY 2015-2016 Annual Operating Budget and plan for municipal services for the ensuing fiscal year beginning October 1, 2015 and ending September 30, 2016, in accordance with Local Government Code §102; appropriating money to a Sinking Fund to pay interest and principal on the City's indebtedness; appropriating the various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause and establishing an effective date

REGULAR AGENDA

- 2015-323 Consider and act upon an ordinance, by record vote of the City Council of the City of Midlothian, Texas, levying and assessing municipal ad valorem taxes for the City of Midlothian, for the fiscal year 2015-2016, at \$0.354757 for Maintenance and Operations and \$0.353487 for Interest and Sinking Funds, for a total of \$0.708244, specifically for the purpose for which said taxes may be expended and directing the assessment and collection thereof; repealing conflicting ordinances and resolutions; including a severability clause and establishing an effective date.
- 2015-324 Consider and take a separate vote to ratify a property tax revenue increase as reflected in the FY 2015-2016 Annual Operating Budget when compared to the FY 2014-2015 Annual Operating Budget; this budget will raise more total property taxes than last year's budget by \$2,030,700 which is a 12.89% increase from last year's budget and, of that amount, \$661,395 is tax revenue to be raised from new property added to the tax roll this year.
- 2015-325 Consider and act upon an ordinance of the City of Midlothian, Texas, providing for a seventy thousand dollar (\$70,000) residential homestead exemption for persons sixty-five years of age or older from all ad valorem taxes hereafter levied and providing an exemption for disabled veterans based upon the degree of their disability; repealing conflicting ordinances and resolutions; including a severability clause and establishing an effective date
- 2015-326 Consider and act upon a Guaranteed Maximum Price Amendment to the agreement with Dean Electric, Inc. (dba Dean Construction) out of Cedar Hill, Texas, Construction Manager at Risk (the CMR), by accepting the second bid package for site work, utilities and amenity improvements for Phase 1 of the Community Park, in the amount not to exceed \$6,354,294.29 which includes a contingency amount of \$265,870.
- 2015-327 Consider and act upon authorizing the Mayor to execute a certification letter to the Office of the Texas Attorney General stating that the City of Midlothian Impact Fee Program is in compliance with Texas Local Government Code, Chapter 395 (Case No. M19-2014-86)
- 2015-328 Consider and act upon a Development Agreement between EL Hillstone, LLC ("Hillstone") and the City of Midlothian, Texas for participation in the construction of infrastructure and site improvements for an approximate ± 28.875 acre planned development referred to as Hillstone Estates (PD 70)
- 2015-329 Consider and act upon a proposal from Pure Technologies U.S., Inc. for a condition assessment of the City's raw water pipeline from Joe Pool Lake to the Tayman Water Treatment Plant in an amount not to exceed \$460,609.
- 2015-330 Discuss potential agenda topics for City Council Workshops 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 based on an ethical duty to advise regarding potential litigation
4. Section 551.071 Legal: Consultation with attorney regarding ECOM Real Estate Management, Inc. v. City of Midlothian, Cause No. 68,846 in the 40th Judicial District Court, Ellis County, Texas

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

- 2015-331 Action resulting from Executive Session, Item #1: Economic Development
- 2015-332 Action resulting from Executive Session, Item #2: Real Estate
- 2015-333 Action resulting from Executive Session, Item #3: Contemplated litigation
- 2015-334 Action resulting from Executive Session, Item #4: ECOM
- 2015-335 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 4th day of September, 2015 at or before 5:00 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.**