

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, October 27, 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 at the Midlothian Conference Center, 1 Community Circle Drive, Midlothian, Texas

REGULAR AGENDA

Call to Order, Invocation and Pledge of Allegiance

2015-373 Hospice Month Proclamation

2015-374 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.

2015-375 Consider and act upon minutes from the City Council meeting of October 13, 2015.

2015-376 Consider and act upon a resolution adopting the amended Policy on Governance Process and Code of Ethics

2015-377 Consider and act upon a resolution supporting Proposition 7 for increased state funding for transportation

2015-378 Consider and act upon a resolution authorizing the Ellis County Toy Run (motorcycle parade), an event hosted by the Gryphon Motorcycle Club of Ellis County on Sunday, December 13, 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. SEP05-2015)

PUBLIC HEARINGS

2015-379 Conduct a public hearing of Case No. AX01-2014-33, the second of two (2) public hearings for a proposed annexation; the proposed Annexation Area contains \pm 3,471 acres (\pm 5.42 square miles) of land lying within the extraterritorial jurisdiction (ETJ) of the City of Midlothian and adjoins the present city limit lines of the City of Midlothian (the proposed annexation area being fully described in Exhibits A & B attached hereto and made a part hereof for all purposes of the annexation procedures); in accordance with Texas Local Government Code Chapter 43, Subchapter C.

REGULAR AGENDA

2015-380 Consider and act upon a request to allow right-of-way encroachment for on-street parking on West Avenue D for 401 North 8th Street. Property contains \pm 0.211 acres, and is generally located at the northwest corner of North 8th Street and West Avenue D in the City of Midlothian, Texas (Case No. M26-2014-109)

- 2015-381 Consider and act upon a request to allow a right-of-way encroachment for a sign to be located in the median of Ledgestone Lane. The public right-of-way property is generally located on the south side of Mt. Zion Road and ± 880 feet east of Somerset Street, in the City of Midlothian, Texas (Case No. M27-2014-111)
- 2015-382 Consider and act upon an ordinance to vacate and abandon a portion of street right-of-way for Mount Zion Road (0.9871 acres) and the entire right-of-way for Meadowbrook Lane (1.3694 acres); said rights-of-way being generally located south of the US Highway 287 Bypass, and east of FM 663; declaring that these rights-of-way described in Exhibits A and 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 and control of said rights-of-way to the abutting fee simple property owner; providing for engrossment and enrollment; and providing for an effective date (Case No. ROW02-2014-102)
- 2015-383 Consider and act upon a Development Agreement between Midlothian Towne Crossing, L.P. (“MTC”) and the City of Midlothian, Texas for the construction of infrastructure and site improvements for an approximate 53.3462 acre retail shopping center development on property zoned Planned Development District No. 79 (PD 79).
- 2015-384 Consider and act upon approving the MED and MCDC Economic Development Incentive Agreement between Midlothian Economic Development, Midlothian Community Development Corporation, and Midlothian Towne Crossing, L.P. for the development of a 53 acre retail shopping center consisting of a 123,000 square feet Kroger Marketplace Store and an additional 122,000 square feet of retail space.
- 2015-385 Consider and act upon approving the Chapter 380 Economic Development Performance Agreement between the City of Midlothian, Midlothian Towne Crossing, L.P., and Kroger Texas L.P. for the development of a 53 acre retail shopping center, and specifically a 123,000 square feet Kroger Marketplace Store.
- 2015-386 Discuss potential agenda topics and a schedule 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
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. City Attorney

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

- 2015-387 Action resulting from Executive Session, Item #1: Economic Development
- 2015-388 Action resulting from Executive Session, Item #2: Real Estate
- 2015-389 Action resulting from Executive Session, Item #3: Contemplated litigation
- 2015-390 Action resulting from Executive Session, Item #4: ECOM
- 2015-391 Action resulting from Executive Session, Item #5: Personnel
- 2015-392 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 23rd day of October, 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.**