

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS  
Tuesday, January 12, 2016  
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

2016-01 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.*

2016-02 Consider and act upon minutes from the City Council meeting of December 8, 2015.

2016-03 Consider and act upon a resolution authorizing the Mayor's Winter Walk. The event will be hosted by the Midlothian Parks & Recreation Department on Saturday, February 27, 2016, 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. SEP09-2015)

2016-04 Consider and act upon a resolution providing for an election to be held to elect two councilmembers in the City of Midlothian; defining the term of office; designating the polling location; designating the election judge and providing for clerical personnel; designating the time and place; providing for a run-off election; and providing for the filing of applications for the official ballots for said election

**PUBLIC HEARINGS**

2016-05 Conduct a Public Hearing and act upon an ordinance to rezone  $\pm$  188.175 acres from the current Agricultural (A) District to a Planned Development District No. 82 (PD 82) for Hayes Crossing containing residential uses, open spaces, and corporate uses. Property is in the J. Powers Survey, Abstract No. 838, the C.R. Werley Survey, Abstract No. 1187, the J. Grimes Survey, Abstract No. 1327, and the L.W. Stewart Survey, Abstract No. 997, located  $\pm$  2,100 feet south of the intersection of FM 1387 and Hayes Road (Case No. Z02-2015-04).

2016-06 Conduct a public hearing and act upon an ordinance to rezone  $\pm$  131.61 acres from the current Agricultural (A) and Single-Family One (SF-1) District to a Planned Development District No. 81 (PD-81) for Heritage Crossing containing residential, community retail, professional office, and open space uses. Property is in the J. Smith Survey, Abstract No. 972, the R.W. Tucker Survey, Abstract No. 1311, and the J. Powers Survey, Abstract No. 838, being generally located at the northeast corner of FM 1387 and North Walnut Grove Road (Case No. Z01-2015-03).

- 2016-07 Conduct a public hearing and act upon an ordinance to rezone ± 0.316 acres from its current Residential Three (R3) to an Urban Village Planned Development District No. 85 (PD 85) for a yoga studio and related uses. Property is in Block 27 of the Original Town of Midlothian, located at the northwest corner of West Avenue F and North 6th Street (Case No. Z05-2015-17).
- 2016-08 Conduct a public hearing and act upon amendments to the Use Table found in Section 2.04 of the Zoning Ordinance. The primary purpose of said amendments are designed to add, modify and/or delete land use categories in certain zoning districts (Case No. OZ01-2015-24).

**REGULAR AGENDA**

- 2016-09 Consider and act upon a fencing plan for Four Trees Addition containing ± 195.585 acres. Said acreage being situated in the S. Fredrick Survey, Abstract No. 357, E. Bryson Survey, Abstract 117, and the John Crane Survey, Abstract 246, being located at the northeast corner of future North Walnut Grove Road and West Shiloh Road, in the City of Midlothian, Texas. (Case No. PP09-2014-71)
- 2016-10 Consider and act upon a resolution approving the issuance of taxable bond financing by Midlothian Economic Development, providing funds to complete construction of the new Midlothian Business Park.
- 2016-11 Review and discuss the proposed decorative lighting for the FM 663 Bridge Project and provide direction to staff.
- 2016-12 Consider and act upon an Agreement for Professional Services with Bannister Engineering, LLC for design and other related services for the FM 663 Sanitary Sewer Corridor Improvement Project in an amount not to exceed \$49,950.
- 2016-13 Consider and act upon an ordinance of the City of Midlothian, Texas amending the Code of Ordinances, Chapter 13, Utilities by adding Article 13.09 entitled “Stormwater Management” attached hereto as Exhibit “A”; to establish rules and regulations for illicit discharges of non-stormwater into the City’s small Municipal Separate Storm Sewer System (MS4), stormwater runoff from construction sites, and post-construction stormwater runoff from new development and redevelopment projects; providing that this ordinance shall be cumulative of all ordinances; providing for a severability 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; and establishing an effective date.
- 2016-14 Consider and act upon an ordinance repealing Ordinance No.’s 320, 322, 327 and 2001-42 in their entirety and adopting an ordinance, “Utility User Fee Policy and Provisions” for the City of Midlothian, Texas attached hereto as Exhibit “A”; providing that this ordinance shall be cumulative of all ordinances; providing for a repealer clause; providing for a severability clause; providing for a penalty clause 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 five hundred dollars (\$500.00), each day that such violation continues shall constitute a separate offense and shall be punishable accordingly; and setting an effective date.

**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

*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**

- 2016-15 Action resulting from Executive Session, Item #1: Economic Development
- 2016-16 Action resulting from Executive Session, Item #2: Real Estate
- 2016-17 Action resulting from Executive Session, Item #3: Contemplated litigation
- 2016-18 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 8<sup>th</sup> day of January, 2016 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.**