

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS  
Tuesday, April 23, 2013**

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 Midlothian City Hall, 104 West Avenue E, Midlothian, Texas

**WORK SESSION AGENDA - 5:00 p.m.  
Administrative Conference Room**

2013-131 Consider and discuss proposed mosquito management program

**REGULAR AGENDA – 6:00 p.m.  
City Council Chambers**

Call to Order, Invocation and Pledge of Allegiance

2013-132 Announcements/Presentations

- a. Community Affairs calendar
- b. Administrative announcements related to personnel
- c. Proclamation recognizing May as Motorcycle Safety Month
- d. Proclamation recognizing May as National Physical Fitness and Sports month
- e. Water Treatment Plant employee recognition
- f. Oath of Honor to incoming Police Department personnel

2013-133 Citizens to be heard

2013-134 Consider and act upon a *Radar Host Site Agreement* with the North Central Texas Council of Government (NCTCOG) to facilitate the installation of a CASA WX radar facility in Midlothian at a direct cost to the City not to exceed \$40,000

**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.*

2013-135 Consider and act upon minutes from City Council meeting of April 9, 2013

2013-136 Consider and act upon a resolution authorizing the Second Annual MidTowne Block Party, located and hosted by property owners in a section of MidTowne, scheduled for Saturday, April 27, 2013, in accordance with a Special Event Permit as established by the City of Midlothian Zoning Ordinance 89-13 as amended, Section 4.4 (Case No. RES12-2012-55)

2013-137 Consider and act upon a resolution authorizing the annual “Head for the Hills” Bicycle Rally routed through the City of Midlothian and hosted by the Cedar Hill Rotary Club on Saturday, May 11, 2013, in accordance with zoning requirements for this type of event as established by the City of Midlothian Zoning Ordinance 89-13, as amended, Section 4.4 (Case No. RES11-2012-54)

**PUBLIC HEARINGS**

2013-138 Conduct a public hearing and act upon a request for an ordinance to allow a minor automotive repair garage at 418 W. Main Street. Property is zoned Commercial (C) District, containing ± 0.158 acres, and generally located at the southeast intersection of W. Main St. and S. 5<sup>th</sup> Street, in the City of Midlothian, Texas (SUP03-2012-41)

- 2013-139 Conduct a public hearing to consider and act upon an ordinance to rezone  $\pm$  1,167.375 acres from the current Agricultural (A) District to a Planned Development District (PD) for residential uses (*single-family, townhomes and multi-family*) non-residential uses (*commercial and light Industrial*) and open spaces. Property encompasses two (2) tracts: the north tract contains  $\pm$  966.36 acres and generally located north of US Hwy. 287 and east of Walnut Grove Road and the south tract contains  $\pm$  201.01 acres generally located south of the Southern Pacific Railroad and east and southeast of Plainview Road in the City of Midlothian, Texas (Case No. Z05-2012-27)

## REGULAR AGENDA

- 2013-140 Consider and act upon authorizing the Filter Console Programmable Logic Controller (PLC) Upgrade at the Tayman Water Treatment Plant with Xylem Water Solutions USA, Inc., said upgrade is to be accomplished in two phases, with Phase 1 and Phase 2 in the amounts of \$41,000 and \$46,300, respectively, for a total not to exceed amount of \$87,300
- 2013-141 Consider and act upon Change Order Number Two for the FM 1387 - High School No. 2 Water Line Relocation and Sanitary Sewer Project with Circle H Contractors, L.P. in an amount not to exceed \$186,990.50, said change order is for the relocation of existing City water lines as part of the FM 663 Bridge Expansion Project
- 2013-142 Consider and act upon an ordinance authorizing the issuance and sale of City of Midlothian, Texas General Obligation Bonds, Series 2013, in the aggregate principal amount of \$7,800,000; and ordaining other matters related thereto, including immediate effectiveness
- 2013-143 Consider and act upon a construction contract between the City of Midlothian and Kraftsman Commercial Playgrounds & Water Parks Company, for the construction of a 48 x 48 steel frame hexagonal pavilion (roof decking only, with the roof to be installed by a different contractor), in an amount not to exceed \$60,939.42
- 2013-144 Consider and act upon the use of contractual instructors by the City of Midlothian Parks and Recreation Department, establishing the general guidelines, fee schedule and Instructor Contract Agreement
- 2013-145 Consider and act upon awarding a contract with GAW Construction Services, LLC for the Sports Park Improvement Project in the amount of \$165,264 plus 5% contingency for a total amount not to exceed \$173,527. The contract amount includes the original bid of \$154,864 plus \$10,400 for additional improvements based on unit pricing
- 2013-146 Consider and act upon a contract between the City of Midlothian and VDCI (Vector Disease Control International), for an all-inclusive, integrated mosquito management and mosquito abatement program
- 2013-147 Receive an update on various City Board and Commission meetings and activities

## 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 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
2. Section 551.087 Deliberation regarding economic development negotiations
3. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property and easements
4. 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.

5. 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) or 551.076 (deployment/implementation of security personnel or devices).*

#### **REGULAR AGENDA**

- 2013-148 Action resulting from Executive Session, Item #1: Texas Central Business Lines  
2013-149 Action resulting from Executive Session, Item #2: Economic Development  
2013-150 Action resulting from Executive Session, Item #3: Real Estate  
2013-151 Action resulting from Executive Session, Item #4: ECOM  
2013-152 Action resulting from Executive Session, Item #5: Contemplated litigation  
2013-153 Adjourn

I, Tammy Varner, 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 19<sup>th</sup> day of April, 2013 at or before 5:00 p.m.

  
Tammy Varner, 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.**