

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

**Tuesday, June 25, 2013
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
- 2013-237 Administer Oath of Office to Councilmember Place 3
- 2013-238 Fire Department badge pinning ceremony
- 2013-239 Announcements/Presentations
 - a. Community Affairs calendar
 - b. Administrative announcements related to personnel
- 2013-240 Citizens to be heard
- 2013-241 Receive an update on various City Board and Commission meetings and activities

PUBLIC HEARINGS

- 2013-242 Continue a public hearing to consider and act upon an ordinance for a revised Zoning Ordinance to replace the current Ordinance 89-13, as amended, to reformat and reorganize the existing Zoning Ordinance by creating new sections and subsections, and including illustrations (Case No. OZ03-2012-43)

REGULAR AGENDA

- 2013-243 Consider and act upon minutes from City Council meetings of June 3 and June 11, 2013
- 2013-244 Consider and act upon a bid award to XIT Paving and Construction, Inc. for the Justice Center access driveway in a total alternate bid amount of \$164,774.29 and Change Order No. 1 in a deductive amount of \$25,339.52, for a revised total contract amount not to exceed \$139,434.77.
- 2013-245 Consider and act upon a change order to the contract with GAW Construction Services for the installation of new parking areas to be located at Hawkins Spring Park with 56 additional parking spots, Mountain Peak Park with 25 additional parking spots, and a 226' sidewalk extension at Mountain Peak Park from Vista Ridge Dr. in the amounts of: Mountain Peak Park parking - \$37,450.20, Hawkins Spring Park parking - \$75,653.80, and Mountain Peak Park sidewalk extension - \$15,000; for a total contract amount not to exceed \$134,509.20, including a 5% contingency of \$6,405.20
- 2013-246 Consider and act upon a proposed tri-party development agreement with Midlothian NH, LLC ("the Developer") and Midlothian Economic Development ("MED" aka "4A") intended to incentivize the construction of a skilled nursing facility by conditionally committing to reimburse the Developer up to \$150,000 of City monies, and up to \$150,000 of MED monies, toward the cost of constructing 650± feet of Silken Crossing extended south of George Hopper Road
- 2013-247 Consider and act upon a request for approval of incentives regarding Project Treasure

- 2013-248 Consider and act upon a petition according to Texas Local Government Code, Section 43.28, for the voluntary annexation of ± 2.66 acres of land, known as RailPort Business Park Addition, Lot 1, Block 4, generally located in the J.E. Hawkins Survey, Abstract 461 and the John W. Burks Survey, Abstract 113 and is located ± 2,475 feet northeast from the eastern end of Kemp Ranch Crossing, in the City of Midlothian, Texas; and, if the petition is granted, adopt an ordinance to annex the area lying within the Extraterritorial Jurisdiction (ETJ) of the City of Midlothian. The petition was filed with the City on June 6, 2013, according to Texas Local Government Code, Section 43.028 and is contiguous and adjacent to the present boundaries of the City of Midlothian, Texas. (Case No. AX01-2012-79)
- 2013-249 Consider and act upon an ordinance according to Texas Local Government Code, Section 43.028 extending the municipal boundary limits of the City of Midlothian, Texas, by voluntary annexation of ± 2.66 acres of land, known as RailPort Business Park Addition, Lot 1, Block 4, generally located in the J.E. Hawkins Survey, Abstract 461 and the John W. Burks Survey, Abstract 113 and is located ± 2,475 feet northeast from the eastern end of Kemp Ranch Crossing, in the City of Midlothian, Texas; and, adjoining the present boundary limits of the City of Midlothian; providing that the annexed property shall be subject to the ad valorem taxes levied by the City of Midlothian and that the inhabitants of the annexed property shall be entitled to all rights and privileges of all the regulations of the City of Midlothian now in effect and hereinafter adopted; proposed annexation being fully described in Exhibit “A” of the attached ordinance hereto and made a part of for all purposes of voluntary annexation procedures; providing a severability clause; providing for an effective date; and providing for the publication of the caption of this ordinance (Case No. AX01-2012-79)

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), 551.076 (deployment/implementation of security personnel or devices) or 551.087 (economic development negotiations).

REGULAR AGENDA

- 2013-250 Action resulting from Executive Session, Item #1: Texas Central Business Lines
- 2013-251 Action resulting from Executive Session, Item #2: Economic Development
- 2013-252 Action resulting from Executive Session, Item #3: Real Estate
- 2013-253 Action resulting from Executive Session, Item #4: ECOM

2013-254 Action resulting from Executive Session, Item #5: Contemplated litigation

2013-255 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 21st day of June, 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.**