

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

**Tuesday, October 8, 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

2013-416 Announcements/Presentations

- a. Community Affairs calendar
- b. Administrative announcements related to personnel
- c. Proclamation designating October as Breast Cancer Awareness Month

2013-417 Citizens to be heard

2013-418 Receive an update on various City Board and Commission meetings and activities

**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.*

2013-419 Consider and act upon minutes from City Council meetings of September 17 and September 24, 2013

2013-420 Consider and act upon a resolution authorizing the Jog for Dog's 5K Run/Walk/Jog, an event hosted by Warren Retrievers and scheduled for Saturday, November 9, 2013, in accordance with a Special Event Permit as established by the City of Midlothian Zoning Ordinance 2013-24 as amended, Section 2.04 (Case No. SEP02-2013)

2013-421 Consider and act upon a resolution authorizing the Midlothian Chamber of Commerce Fall Festival/Christelle Moser Memorial 5K Run/Walk, an event hosted by the Midlothian Chamber of Commerce and scheduled for Saturday, October 19, 2013, in accordance with a Special Event Permit as established by the City of Midlothian Zoning Ordinance 2013-24 as amended, Section 2.04 (Case No. SEP01-2013)

2013-422 Consider and act upon an Administrative Services Contract with Midlothian Community Development Corporation

2013-423 Consider and act upon an Administrative Services Contract with Midlothian Economic Development

**PUBLIC HEARINGS**

2013-424 Conduct a public hearing and act upon an ordinance to amend Ordinance 2011-23, adding a new road specifically the extension of S. 14<sup>th</sup> Street from Ashford Lane to McAlpin Road, to the City's Roadway Impact Fee-Capital Improvement Project (IF-CIP) (Case No. M13-2012-113)

- 2013-425 Conduct a public hearing and act upon an ordinance to rezone  $\pm$  70 acres from the current Agricultural (A) District to a Planned Development District (PD) for residential uses (single family lots ranging from 8,000 SF to 14,000 SF +) and open spaces. Property is generally located west of Walnut Grove Road and  $\pm$  900 ft. south of FM 1387, in the City of Midlothian, Texas (Case No. Z16-2012-105)

### REGULAR AGENDA

- 2013-426 Consider and act upon the purchase of a 289D Compact Construction Equipment Skid Steer from Holt Caterpillar of Fort Worth, Texas, in an amount not to exceed \$61,700
- 2013-427 Consider and act upon a three-year lease/purchase agreement with Caterpillar Financial Service Corporation for 924K QC Wheel Loader, in an amount not to exceed \$139,881.24, including finance charges
- 2013-428 Consider and act upon approval of the remounting and refurbishing of a Frazer Type I 12' generator powered module, E-1839 ambulance through H-GAC in the amount of \$89,650.00
- 2013-429 Consider and act upon approval of the purchase of a 2014 Chevrolet Tahoe, including upfit, from Reliable Chevrolet through the State of Texas contract for \$45,975.94
- 2013-430 Consider and act upon a sixty (60) month lease for a Cisco Unified Communications Phone System, including all servers, licensing, handsets and accessories, with a buyout cost of \$1 in an amount not to exceed a total of \$150,000
- 2013-431 Consider and act upon a petition for disannexation of  $\pm$  1.147 acres of land from Howard and Tammy Roberts, under Texas Local Government Code, Chapter 43.141, for failure to provide services. Property is generally located in the John Crane Survey, Abstract 246 and generally located  $\pm$  1,050 feet north of the intersection of Walnut Grove Road and Shiloh Road, just south of Old Farmhouse Estates, in the City of Midlothian, Texas; and, if the petition is granted, adopt an ordinance to disannex the area lying within the City of Midlothian into its Extraterritorial Jurisdiction (ETJ). (Case No. DX01-2012-104)
- 2013-432 Consider and act upon an ordinance approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division (the "Company") regarding the Company's 2013 Annual Rate Review Mechanism filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; requiring the company to reimburse cities' reasonable ratemaking expenses; repealing conflicting resolutions or ordinances; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; providing a most favored nations clause; and requiring delivery of this ordinance to the company and the steering committee's legal counsel
- 2013-433 Consider and act upon a resolution authorizing T. Scott Bryan, TxDOT Aviation Division of TxDOT, acting on behalf of the Cities of Midlothian and Waxahachie, to make a final offer to Kenneth M. Thompson in the amount of \$71,200.00 for the acquisition of a parcel of land in fee simple, for drainage and other public uses for the Midway Regional Airport located in the J.R. Leath Survey, Abstract No. A-634, Located in Ellis County, Texas described as 7.118 acres as described in Exhibit "A" and shown in Exhibit "B" attached hereto and made a part hereof for all purposes, said real property are fully described in the proposed resolution

## 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).*

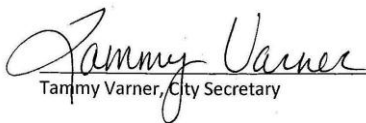
1. Section 551.087 Deliberation regarding economic development negotiations
2. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property and easements
3. Section 551.071 Legal: Consultation with attorney regarding Supreme Court of Texas Cause No. 10-0150, ECOM Real Estate Management, Inc. v. City of Midlothian, Texas.
4. 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

- 2013-434 Action resulting from Executive Session, Item #1: Economic Development
- 2013-435 Action resulting from Executive Session, Item #2: Real Estate
- 2013-436 Action resulting from Executive Session, Item #3: ECOM
- 2013-437 Action resulting from Executive Session, Item #4: Contemplated litigation
- 2013-438 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 4<sup>th</sup> day of October, 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.**