

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS  
Tuesday, January 28, 2014  
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

2014-17 Announcements/Presentations

- a. Community Affairs calendar
- b. Presentation of plaque from Gryphon Motorcycle Club to City of Midlothian
- c. Receive Quarterly Investment Report from Patterson & Associates
- d. Administrative announcements related to personnel

2014-18 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.*

2014-19 Consider and act upon minutes from City Council meeting of January 14, 2014

2014-20 Consider and act upon a resolution providing for an election to be held to elect the mayor and 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

2014-21 Consider and act upon a Joint Election Agreement with the Midlothian Independent School District

2014-22 Consider and act upon a resolution authorizing the Rowdy Run 5K Fun Run/Walk hosted by the Midlothian Independent School District Elementary Running Club scheduled for Saturday, March 29, 2014, 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. SEP07-2013)

2014-23 Consider and act upon a resolution authorizing the Mockingbird Park Winter Walk, an event hosted by Park & Recreation Department, scheduled for Saturday, February 22, 2014, 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. SEP08-2013)

**PUBLIC HEARINGS**

2014-24 Conduct a public hearing and act upon an ordinance request to rezone  $\pm$  175 acres from the current Agricultural (A) District to a Planned Development District (PD) for residential uses (*single-family with building lots ranging from 9,000 sf to 20,000 + sf*) and open spaces. Property is generally located south of McAlpin and  $\pm$  2,500 feet east of FM 663, in the City of Midlothian, Texas (Case No. Z05-2013-22)

- 2014-25 Conduct a public hearing of Case No. AX01-2013-18, the second of two public hearings for a proposed annexation and service plan for the provision of public services of approximately ± 137.85 acres of land described as Oak Hollow Estates out of the J. L. Blanton Survey, Abstract No. 1284 and located at the southeast corner of FM 1387 and Walnut Grove Road, lying within the extraterritorial jurisdiction (ETJ) of the City of Midlothian and adjoining the present city limit boundary lines. The proposed annexation and service plan being fully described in Attachments 1 and 3 attached hereto and made a part hereof for all purposes of the annexation procedures, in accordance with Chapter 43 of the Texas Local Government Code
- 2014-26 Conduct a public hearing of Case No. AX02-2013-23, the second of two public hearings for a proposed annexation and service plan for the provision of public services of approximately ± 610 acres of land out of the J.P. Peak Survey, Abstract No. 881, the J. Poindexter Survey, Abstract No. 882, the S. Smith Survey, Abstract No. 973, the J.B. Orr Survey, Abstract No. 818, the E. Sullivan Survey, Abstract No. 1012, the A.J. Cornelius Survey, Abstract No. 1285, the N.N.J.J. & B.L. Edwards Survey, Abstract No. 339, the E.A. Braly Survey, Abstract No. 184, and the M.H. Davis Survey, Abstract No. 278 and located between McAlpin Road and north of FM 875, lying within the extraterritorial jurisdiction (ETJ) of the City of Midlothian and adjoining the present city limit boundary lines. The proposed annexation and service plan being fully described in Attachments 1 & 3 attached hereto and made a part hereof for all purposes of the annexation procedures, in accordance with Chapter 43 of the Texas Local Government Code
- 2014-27 Conduct a public hearing of Case No. AX03-2013-24, the second of two public hearings for a proposed annexation and service plan for the provision of public services of approximately ± 824 acres of land out of the R. Berry Survey, Abstract No. 42, the M.E.P. & P.R.R. Co Survey, Abstract No. 760, the B. Canfield Survey, Abstract No. 196, and the A.J. Rugely Survey, Abstract No. 924 and being generally located in the area southwest of VV Jones Road and Forbes Road, lying within the extraterritorial jurisdiction (ETJ) of the City of Midlothian and adjoining the present city limit boundary lines. The proposed annexation and service plan being fully described in Attachments 1 & 3 attached hereto and made a part hereof for all purposes of the annexation procedures, in accordance with Chapter 43 of the Texas Local Government Code

#### **REGULAR AGENDA**

- 2014-28 Consider and act upon approving an addendum to Tax Abatement Agreement with Buckley Property Company for property located in the Texas RailPort Commercial-Industrial Tax Abatement Reinvestment Zone No. 6. and authorizing the Mayor to execute the agreement as approved
- 2014-29 Consider and act upon an interlocal agreement between the Midlothian Independent School District and the City of Midlothian, Texas for the assignment of a fourth City of Midlothian police officer to MISD for the remainder of the current 2013-2014 school year
- 2014-30 Consider and act upon approving the expenditure of funds for pavement resurfacing services with APAC-Texas, Inc. through the utilization of an interlocal cooperative purchasing agreement with Dallas County for areas in and around the Hidden Creek and Country East developments in an amount not to exceed \$600,000
- 2014-31 Consider and act upon recommendations of the City Council Nomination Subcommittee for appointments to various City boards and commissions

## 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).*

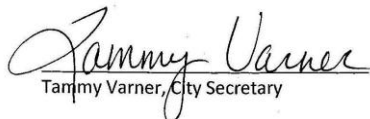
1. Section 551.087 Deliberation regarding economic development negotiations
2. Section 551.072 Real Estate: Deliberation regarding real property - to deliberate the purchase, exchange, lease or value of real property
3. Section 551.071 Legal: Consultation with attorney regarding Supreme Court of Texas 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
5. Section 551.074 Personnel Matters: (a)(1) City Manager annual performance evaluation

*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

- 2014-32 Action resulting from Executive Session, Item #1: Economic Development
- 2014-33 Action resulting from Executive Session, Item #2: Real Estate
- 2014-34 Action resulting from Executive Session, Item #3: ECOM
- 2014-35 Action resulting from Executive Session, Item #4: Contemplated litigation
- 2014-36 Action resulting from Executive Session, Item #5: City Manager evaluation
- 2014-37 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 24<sup>th</sup> day of January, 2014 at or before 6:00 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.**