

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, August 12, 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
- 2014-301 Announcements/Presentations
- a. Community Affairs calendar
 - b. Presentation of Quarterly Investment Report by Patterson & Associates
 - c. Administrative announcements related to personnel
- 2014-302 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.

- 2014-303 Consider and act upon minutes from City Council meetings of July 22, July 25, August 1 and August 5, 2014
- 2014-304 Consider and act upon an Administrative Services Contract between the City of Midlothian and the Midlothian Economic Development (MED)
- 2014-305 Consider and act upon an Administrative Services Contract between the City of Midlothian and the Midlothian Community Development Corporation (MCDC)
- 2014-306 Consider and act upon the Midlothian Chamber of Commerce's request to expend \$2,915.00 of Municipal Hotel/Motel Tax monies for advertisement and other related expenditures for the 2014 Fall Festival
- 2014-307 Consider and act upon termination of the Interlocal Agreement for Mutual Aid in Disaster Assistance with the City of Venus, Texas, signed by the City of Midlothian in May 2001
- 2014-308 Consider and act upon a Communications System Agreement with the City of Fort Worth, Texas

PUBLIC HEARINGS

- 2014-309 Conduct a public hearing to consider and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 2013-24, as amended, by rezoning \pm 28.875 acres from the current Agricultural (A) District and Single Family One (SF-1) District to a Planned Development District (PD) for residential uses (*single-family \pm 27.376 acres*), community retail uses (*\pm 0.950 acres*), and open spaces (*\pm 0.548 acres*). Property is out of the M. Brenan Survey, Abstract No. 43 and generally located east of FM 663, and \pm 480 feet south of Ashford Lane in the City of Midlothian, Texas (Case No. Z19-2013-90)

- 2014-310 Conduct a public hearing and act upon an ordinance to rezone ± 183.8 acres for Hawkins Meadows from the current Agricultural (A) District to a Planned Development District (PD) for residential uses (*single-family* ± 164.1 acres), Commercial/Retail uses (± 7.6 acres) and open spaces (± 12.1 acres). Property is generally located south of Mt Zion Road and east of FM 663, in the City of Midlothian, Texas; preserving all other portions of the Zoning Ordinance 2013-24, as amended, and amending the Official Zoning Map; providing a clause relating to severability; determining that the public interests, morals, and general welfare demand a zoning change and amendment therein made; and providing an effective date. (Case No. Z16-2013-71)

REGULAR AGENDA

- 2014-311 Consider and act upon a two-year extension to the current rental contract between Stonegate Church and the Midlothian Conference Center
- 2014-312 Consider and act upon a Development Agreement between Arbors Development, LLC, and the City of Midlothian, Texas for participation in the construction of infrastructure and site improvements for an approximate ± 176 acre single family development referred to as Dove Creek Development (PD 64)
- 2014-313 Consider and act upon an Engineering Services Agreement with Kimley-Horn and Associates, Inc. for conceptual design and related professional services for the US Highway 287 and Walnut Grove Road Grade Separation in an amount not to exceed \$35,000
- 2014-314 Consider and act upon an amendment to Ordinance 2007-09 Section 1.08.002 Number (18), making it unlawful for any person or persons to remain, stay or loiter in any public park between dusk to dawn of the following day or remain, stay or loiter in any park in other than open hours when posted as open other than dusk to dawn of the same day except by a special permit issued by the City Manager or his designate
- 2014-315 Consider and act upon an ordinance amending the Code of Ordinances Chapter 6, Health and Sanitation, prohibiting the sale and distribution of electronic cigarettes to minors and prohibiting the use of electronic cigarettes in public areas
- 2014-316 Consider, discuss and take a record vote to propose an ad valorem tax rate of \$0.708244 and schedule two public hearings regarding the proposed ad valorem tax rate increase for August 26, 2014 and September 2, 2014.
- 2014-317 Consider and act upon recommendations of the City Council Nomination Subcommittee for appointments to various City boards and commissions
- 2014-318 Review and approve draft agendas for the September 2nd and October 7 City Council Workshops; review City Council prioritized issues/projects list; and direct staff as necessary

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) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. Discussion regarding selection of a consulting firm to assist with City Manager search.

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

- 2014-319 Action resulting from Executive Session, Item #1: Economic Development
2014-320 Action resulting from Executive Session, Item #2: Real Estate
2014-321 Action resulting from Executive Session, Item #3: ECOM
2014-322 Action resulting from Executive Session, Item #4: Contemplated litigation
2014-323 Action resulting from Executive Session, Item #5: Personnel
2014-324 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 8th day of August, 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.**