

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, September 23, 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
- 2014-378 Announcements/Presentations
- a. Community Affairs calendar
 - b. Presentation of Breast Cancer Awareness Month proclamation
 - c. Administrative announcements related to personnel
- 2014-379 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.

- 2014-380 Consider and act upon minutes from City Council meetings of September 2, September 9 and September 11, 2014
- 2014-381 Consider and act upon changing the date of the November 11, 2014 Regular City Council meeting to November 17, 2014 and cancelling the November 25, 2014 and December 23, 2014 Regular City Council meetings
- 2014-382 Consider and act upon a resolution authorizing the Annual Midlothian Downtown Trick or Treat hosted by the Midlothian Downtown Business Association, and co-sponsored by the Chamber of Commerce and the City of Midlothian, scheduled for Friday, October 31, 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. SEP33-2013)
- 2014-383 Consider and act upon a resolution authorizing Creekside Manor Haunted House, an event hosted by Rusty Minter and Rheta Pressnell, scheduled for Fridays and Saturdays in October, and including November 1, 2014 for a total of 10 days, 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. SEP35-2013)
- 2014-384 Consider and act upon a resolution authorizing the Run for the Future 5K Run, hosted by Movement Toward a Future, scheduled for Saturday, November 15, 2014, in accordance with a Special Event Permit as established by the City of Midlothian Zoning Ordinance 2013-24 as amended, Section 2.04 (Use Table) (Case No. SEP34-2013)
- 2014-385 Consider and act upon an Interlocal Cooperation Contract between the County of Ellis and the City of Midlothian (contingent upon approval by the Ellis County Commissioners Court).

PUBLIC HEARINGS

- 2014-386 Conduct a public hearing to consider and act upon an ordinance amending the City of Midlothian Zoning Ordinance No. 2013-24, as amended, and amending Ordinances 2014-10 and 2014-25, establishing Planned Development (PD-66) District for single family residential uses for McAlpin Manor, by amending land use provisions and expanding said PD-66 into ±3.829 acres composed of three (3) single family lots. The subject property is situated in the J. Poindexter Survey, Abstract 882 and is generally located south and west of McAlpin Road, ±1,681 feet north of FM 875, in the City of Midlothian, Texas. (Case No. Z23-2013-103)
- 2014-387 Conduct a public hearing and act upon an ordinance for the proposed FY 2014-2015 Annual Operating Budget/Service and Assessment Plan for the City of Midlothian Public Improvement District Number One (MidTowne PID), as established by Ordinance 2008-28, as authorized by Chapter 372 of the Texas Local Government Code (Case No. M20-2013-111)
- 2014-388 Conduct a public hearing and act upon an amendment to Section 3.5500 of the City of Midlothian Zoning Ordinance (Ordinance 2013-24, as amended). The purpose of this amendment is to revise the development standards for residential zoning districts. (Case No. OZ05-2013-121)

REGULAR AGENDA

- 2014-389 Consider and act upon the selection of Dean Construction of Cedar Hill, Texas as Construction Manager at Risk for Phase 1 of the Community Park, and authorize the commencement of pre-construction and procurement services in an amount not to exceed \$180,000.
- 2014-390 Consider and act upon an ordinance amending Midlothian Economic Development's fiscal year 2013-2014 budget appropriations in an amount not to exceed \$739,115, in accordance with Chapter 102, Local Government Code; appropriating various amounts thereof; providing for a cumulative effect; providing for a severability clause; and establishing an effective date.
- 2014-391 Consider and act upon 2014 property tax abatements for Target, QT and Ash Grove
- 2014-392 Review and approve draft agendas for the October 7th and November 4th 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) City Secretary annual performance evaluation.
6. Section 551.074 Personnel Matters: (a)(1) Interim City Manager contract.

7. Section 551.074 Personnel Matters: (a)(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - Fire Chief.

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

- 2014-393 Action resulting from Executive Session, Item #1: Economic Development
2014-394 Action resulting from Executive Session, Item #2: Real Estate
2014-395 Action resulting from Executive Session, Item #3: ECOM
2014-396 Action resulting from Executive Session, Item #4: Contemplated litigation
2014-397 Action resulting from Executive Session, Item #5: City Secretary evaluation
2014-398 Action resulting from Executive Session, Item #6: Interim City Manager contract
2014-399 Action resulting from Executive Session, Item #7: Fire Chief
2014-400 Adjourn

I, Mary McDonald, Deputy 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 19th day of September, 2014 at or before 6:00 p.m.



Mary McDonald, Deputy 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.**