

**NOTICE OF A SPECIAL CALLED MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Monday, November 17, 2014
6:00 p.m.**

Pursuant to the provisions of Chapter 551 VTCA Government Code, notice is hereby given of a Special Called 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
2014-455 Announcements/Presentations
 a. Community Affairs calendar
 b. Administrative announcements related to personnel
2014-456 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.

- 2014-457 Consider and act upon minutes from City Council meetings of October 27, October 28, and November 4, 2014.
- 2014-458 Consider and act upon a resolution authorizing the Reindeer Dash 5K Run. The event will be hosted by the Midlothian Independent School District on Monday, December 8, 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. SEP02-2014)
- 2014-459 Consider and act upon a resolution authorizing the Southern Star Christmas Celebration and Parade hosted by the Midlothian Downtown Business Association, Midlothian Rotary Club and the City of Midlothian on Saturday, December 6, 2014 (if cancelled due to inclement weather, the event will be rescheduled to the following Saturday, December 13, 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. SEP03-2014)
- 2014-460 Consider and act upon 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 Sunlit Road and Auger Road at Water Treatment Plant 2 in an amount not to exceed \$114,053.33.

PUBLIC HEARINGS

- 2014-461 Conduct a public hearing and act upon an ordinance requesting a Specific Use Permit (SUP) for US Polyco to allow a polymer blending operation at MidTexas International Center. Property is currently zoned Light Industrial (LI) District and contains ± 0.696 acres within MidTexas International Center Block 1, Lot 1, in the City of Midlothian, Texas. (Case No. SUP06-2013-129)

REGULAR AGENDA

- 2014-462 Consider and act upon an ordinance extending the municipal boundary limits of the City of Midlothian, Texas, by the involuntary annexation of ± 103 acres of the land, described herein as the Annexation Area, in accordance with Chapter 43 of the Texas Local Government Code; lying in the P.W. Lowe Survey - Abstract No. 661 (Mockingbird Acres), the G.W. Smith Survey - Abstract No. 1074, the Argyle W. Tucker Survey – Abstract No. 1096, and the Granville Kirk Survey – Abstract No. 604, generally located at the intersection of North Walnut Grove Road and Mockingbird Lane in the extraterritorial jurisdiction (ETJ) of the City of Midlothian and adjoining the present city limit boundary lines; 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; Annexation Area being fully described in the Exhibits “A & B” and a Service Plan described in Exhibit “C” attached hereto and made a part of this ordinance; providing a severability clause; providing for an effective date; and providing for the publication of the caption of this ordinance (Case No. AX08-2013-123)
- 2014-463 Consider and act upon an ordinance extending the municipal boundary limits of the City of Midlothian, Texas, by the involuntary annexation of ± 112 acres of the land, described herein as the Annexation Area, in accordance with Chapter 43 of the Texas Local Government Code; lying in the Robert Hosford Survey - Abstract No. 533, the John Early Survey - Abstract No. 343, and the Benjamin F. Witherspoon Survey – Abstract No. 1180, generally located at the intersections of Walnut Grove Road with Walnut Lane and Clancy Lane in the extraterritorial jurisdiction (ETJ) of the City of Midlothian and adjoining the present city limit boundary lines; 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; Annexation Area being fully described in the Exhibits “A & B” and a Service Plan described in Exhibit “C” attached hereto and made a part of this ordinance; providing a severability clause; providing for an effective date; and providing for the publication of the caption of this ordinance (Case No. AX09-2013-124)
- 2014-464 Consider and act upon a request to allow on-street parking on George Hopper Road for MidTowne Pharmacy. Property is currently zoned as Planned Development (PD-42) District and located on the south side of George Hopper Road ±130 feet west of South 14th Street, in the City of Midlothian, Texas (M04-2014-10)
- 2014-465 Consider a resolution approving the resolution authorizing the issuance of bonds by the Midlothian Community Development Corporation (first reading; no action required).
- 2014-466 Consider and act upon the First Amendment to the Hotel Development Agreement.
- 2014-467 Consider and act upon a thirty-six (36) month fair market value lease with Dell Computers for 22 laptops and 35 desktops. The Lease is part of the City’s computer replacement program as approved in the Capital Equipment Program and the FY 2014-2015 Budget.
- 2014-468 Consider and act upon Modification No. 1 to a Professional Services Contract with Dunkin Sims Stoffels, Inc. for design services related to the Community Park Project, Phase I in an amount not to exceed \$48,380.

- 2014-469 Consider and act upon a proposed tri-party Economic Development Incentive Agreement with Jerry and Steve Massey (“the Developer”) and Midlothian Economic Development (“MED” aka “4A”) intended to incentivize the construction of a restaurant by conditionally committing to reimburse the Developer up to \$35,000 of City monies and an amount to be determined by the MED at their November 17, 2014 meeting, toward the cost of extending approximately 800 feet of gravity sanitary sewer main to the site.
- 2014-470 Consider and act upon an Engineering Services Agreement with Halff Associates, Inc. for the Joe Pool Lake Water Supply System Raw Water Pipeline Alignment and Rehabilitation Study in an amount not to exceed \$90,000.
- 2014-471 Consider and act upon an ordinance amending the Midlothian Conference Center’s fiscal year 2014-2015 budget appropriations in an amount not to exceed \$49,896 to be paid from unreserved fund balance, 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.
- 2014-472 Review and approve draft agenda for the January 6th City Council Workshop 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

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

- 2014-473 Action resulting from Executive Session, Item #1: Economic Development
- 2014-474 Action resulting from Executive Session, Item #2: Real Estate
- 2014-475 Action resulting from Executive Session, Item #3: ECOM
- 2014-476 Action resulting from Executive Session, Item #4: Contemplated litigation
- 2014-477 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 14th day of November, 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.**