

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, February 26, 2013**

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 Midlothian City Hall, 104 West Avenue E, Midlothian, Texas

**WORK SESSION AGENDA - 5:00 p.m.
Administrative Conference Room**

2013-59 Review and discuss debt management and capital project funding

**REGULAR AGENDA – 6:00 p.m.
City Council Chambers**

Call to Order, Invocation and Pledge of Allegiance

2013-60 Announcements/Presentations

- a. Community Affairs calendar
- b. Introduction of new City personnel
- c. Recognition of Fire Department personnel
- d. Receive racial profiling report
- e. Presentation of City's financial audit for FY 2011-12 from representatives of Weaver & Tidwell, LLP
- f. Receive quarterly financial reports from Patterson & Associates
- g. Administrative announcements related to personnel

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.

2013-61 Consider and act upon minutes from City Council meeting of February 12, 2013

2013-62 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 2, 2013, in accordance with a Special Event Permit as established by the City of Midlothian Zoning Ordinance 89-13 as amended, Section 4.4 (Case No. RES08-2012-42)

PUBLIC HEARINGS

2013-63 Conduct a public hearing to consider and act upon an ordinance to amend PD-44, Ordinance 2007-47 (Coventry Crossing) to amend the conceptual layout and proposed lot sizes. Property contains ± 106 acres generally located east of 663 and south of McAlpin Road (Case No. Z04-2012-26)

REGULAR AGENDA

2013-64 Citizens to be heard

2013-65 Receive an update on various City Board and Commission meetings and activities

2013-66 Consider and act upon authorizing the expenditure of funds to Ellis County Precinct 4 for pavement rehabilitation and resurfacing services for Longbranch Road in an amount not to exceed \$76,500.00

- 2013-67 Consider and act upon a resolution authorizing the City Manager to enter into a Mutual Aid Agreement through the North Central Texas Council of Governments for Public Works support in response to emergencies or disasters
- 2013-68 Consider and act upon an ordinance amending Ordinance 2011-03, Section 6 - Levy of Fees for Garbage/Refuse and Recycling Collection Service, by increasing Garbage and Refuse Collection Service Fees from \$13.27 (inclusive of tax) to \$13.41 (inclusive of tax) and increasing Recycling Collection Service Fees from \$2.11 (inclusive of tax) to \$2.13 (inclusive of tax); amendments include rates increases for commercial hand load, front load and roll-off services equating to an overall increase of 1.13%; establishing violation and penalty clauses; providing a severability clause and repealer clause and setting an effective date
- 2013-69 Consider and act upon adoption of an ordinance granting to Atmos Energy Corporation, Mid-Tex Division, a Texas and Virginia Corporation, its successors and assigns, a franchise to furnish, transport and supply gas to the general public in the City of Midlothian, Ellis County, Texas, for the transporting, delivery, sale, and distribution of gas in, out of, and through said municipality for all purposes; providing for the payment of a fee or charge for the use of the public rights-of-way; repealing all previous Atmos Energy gas franchise ordinances; providing that it shall be in lieu of other fees and charges, excepting ad valorem taxes; prescribing the terms, conditions, obligations and limitations under which such franchise shall be exercised; a most favored nations clause, and a severability clause; and providing an effective date.
- 2013-70 Consider and act upon authorizing the expenditure of up to \$230,000 to Sardis-Lone Elm Water Supply Corporation for relocating their existing water lines that are in conflict with the FM 1387/High School No. 2 Capital Improvement Project
- 2013-71 Consider and act upon expanding the Parks Department vehicular fleet through the purchase of a 1984 International Truck with a 32' boom from the Government Surplus in Fort Worth, in an amount not to exceed \$3,200
- 2013-72 Consider and act upon a request to create a position of *Assistant City Manager* at a Pay Grade of 38; to authorize staff to post this vacant position for internal candidates; and, to direct staff to prepare corresponding amendments to the FY2012-13 General Government Pay Schedule

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 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
2. Section 551.087 Deliberation regarding economic development negotiations
3. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property and easements
4. Section 551.071 Legal: Consultation with attorney regarding City of Midlothian v. Randall Denton, MidTexas International Center, Inc., Texas Properties Trust and Trade Zone Operations, Inc.
5. 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.
6. Section 551.071 Legal: Consultation with attorney based on an ethical duty to advise regarding potential litigation
7. Section 551.074 Personnel: Personnel Matters: (a)(1) City Manager annual 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) or 551.076 (deployment/implementation of security personnel or devices).

REGULAR AGENDA

- 2013-73 Action resulting from Executive Session, Item #1: Texas Central Business Lines
- 2013-74 Action resulting from Executive Session, Item #2: Economic Development
- 2013-75 Action resulting from Executive Session, Item #3: Real Estate
- 2013-76 Action resulting from Executive Session, Item #4: Denton
- 2013-77 Action resulting from Executive Session, Item #5: Contemplated litigation
- 2013-78 Action resulting from Executive Session, Item #6: ECOM
- 2013-79 Action resulting from Executive Session, Item #7: City Manager evaluation
- 2013-80 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 22nd day of February, 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.**