

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS**

**Tuesday, June 11, 2013
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 at the Midlothian Conference Center, One Community Circle Drive, Midlothian, Texas

REGULAR AGENDA

- Call to Order, Invocation and Pledge of Allegiance
- 2013-217 Canvass votes from City Council runoff election of June 8, 2013
- 2013-218 Administer Oath of Office to Councilmember Place 3
- 2013-219 Announcements/Presentations
 - a. Community Affairs calendar
 - b. Administrative announcements related to personnel
- 2013-220 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.

- 2013-221 Consider and act upon minutes from City Council meeting of May 28, 2013
- 2013-222 Consider and act upon a resolution authorizing the Independence Day Parade, an event hosted by the City of Midlothian Parks and Recreation Department and the City of Midlothian Parks Advisory Board scheduled for Thursday, July 4, 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. RES17-2012-77)
- 2013-223 Consider and act upon awarding a unit price contract to Road Master Striping, LLC for pavement striping and marking work throughout the City of Midlothian

REGULAR AGENDA

- 2013-224 Consider and act upon a proposed tri-party development agreement with Midlothian NH LLC (“the Developer”) and Midlothian Economic Development (“MED” aka “4A”) intended to incentivize the construction of a skilled nursing facility by conditionally committing to reimburse the Developer up to \$150,000 of City monies, and up to \$150,000 of MED monies, toward the cost of constructing 650± feet of Silken Crossing extended south of George Hopper Road
- 2013-225 Consider and act upon a request for approval of incentives regarding Project Treasure.

**JOINT MEETING WITH CITY OF MIDLOTHIAN
PLANNING AND ZONING COMMISSION**

- 2013-226 Call to order of Planning and Zoning Commission

PUBLIC HEARINGS

- 2013-227 Conduct a public hearing to consider and act upon an ordinance for a revised Zoning Ordinance to replace the current Ordinance 89-13, as amended, to reformat and reorganize the existing Zoning Ordinance by creating new sections and subsections, and including illustrations (Case No. OZ03-2012-43)

- 2013-228 Conduct a public hearing to consider and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 89-13, as amended, amending Section 7.4-8.3, Signs Located in the General Professional (GP), Community Retail (CR), or Commercial (C) Districts, incorporating changes to various, articles, sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. OZ04-2012-44)
- 2013-229 Conduct a public hearing and act upon an ordinance to rezone \pm 0.8793 acres from Community Retail (CR), Medium Density One (MD-1) and Residential Three (R3) to a Residential Three (R3) District for Maxwell Addition, Lots 1A-R and 1B-R. Property is located on South 5th Street approximately 50 feet south of the BNSF Railroad, in the City of Midlothian, Texas (Case No. Z10-2012-67)
- 2013-230 Continue a public hearing to consider and act upon an ordinance to rezone \pm 1,167.375 acres from the current Agricultural (A) District to a Planned Development District (PD) for residential uses (*single-family, townhomes and multi-family*) non-residential uses (*commercial and light industrial*) and open spaces. Property encompasses two (2) tracts: the north tract contains \pm 966.36 acres and generally located north of US Hwy. 287 and east of Walnut Grove Road and the south tract contains \pm 201.01 acres generally located south of the Southern Pacific Railroad and east and southeast of Plainview Road in the City of Midlothian, Texas (Case No. Z05-2012-27)

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 Supreme Court of Texas Cause No. 10-0150, ECOM Real Estate Management, Inc. v. City of Midlothian, Texas.
5. 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

- 2013-231 Action resulting from Executive Session, Item #1: Texas Central Business Lines
- 2013-232 Action resulting from Executive Session, Item #2: Economic Development
- 2013-233 Action resulting from Executive Session, Item #3: Real Estate
- 2013-234 Action resulting from Executive Session, Item #4: ECOM
- 2013-235 Action resulting from Executive Session, Item #5: Contemplated litigation
- 2013-236 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 7th day of June, 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.**