

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

**Tuesday, July 9, 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 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

2013-264 Announcements/Presentations

a. Community Affairs calendar

b. Administrative announcements related to personnel

2013-265 Citizens to be heard

2013-266 Receive an update on various City Board and Commission meetings and activities

**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.*

2013-267 Consider and act upon minutes from City Council meeting of June 25, 2013

2013-268 Consider and act upon a resolution approving the Investment Policy for each of the following entities: City of Midlothian, Midlothian Economic Development (“MED” aka “4A”), Midlothian Community Development Corporation (“MCDC” aka “4B”), and Midlothian Development Authority (“MDA”)

2013-269 Consider and act upon awarding a contract to General Chemical Performance Products, LLC for Bulk Aluminum Sulfate for use at both water treatment plants, based on an initial unit price bid of \$209.97 per dry ton

**PUBLIC HEARINGS**

2013-270 Continue 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)

2013-271 Conduct a public hearing and act upon an ordinance requesting to rezone ± 12 acres from Medium Industrial (MI) and Agricultural (A) to Heavy Industrial (HI) District. Property is located in J.E. Hawkins Survey, Abstract 461 and the John W. Burks Survey, Abstract 113 and is located ± 2,475 feet northeast from the eastern end of Kemp Ranch Crossing, in the City of Midlothian, Texas (Case No. Z11-2012-72)

2013-272 Conduct a public hearing and act upon an ordinance for a Specific Use Permit to allow a petroleum storage facility on ± 12 acres on property zoned Heavy Industrial (HI). Property is located in J.E. Hawkins Survey, Abstract 461 and the John W. Burks Survey, Abstract 113 and is located ± 2,475 feet northeast from the eastern end of Kemp Ranch Crossing, in the City of Midlothian, Texas (Case No. SUP06-2012-73)

- 2013-273 Conduct a public hearing to consider and act upon an ordinance designating a certain area as a reinvestment zone for commercial-industrial tax abatement in the City of Midlothian, Texas to be known as the Texas RailPort Commercial-Industrial Tax Abatement Reinvestment Zone No. 6, City of Midlothian, Texas; establishing the boundaries thereof; and providing for an effective date

### REGULAR AGENDA

- 2013-274 Consider and act upon a resolution authorizing execution of an ad valorem Tax Abatement Agreement with Buckley Property Company
- 2013-275 Consider and act upon a Loan Agreement between Buckley Property Company and Midlothian Economic Development amounting to \$200,000, with an eight (8) year term, and with twelve and one-half percent (12.5%) of the original loan amount being forgiven yearly, up to the loan maturity date, provided certain criteria are certified as met, yearly, by the company
- 2013-276 Consider and act upon a Public Improvement Participation Agreement between the City of Midlothian and KG Sable Development, LLC for the Allen Street Lift Station and FM 663 Corridor Sanitary Sewer Main Construction in an amount not to exceed \$450,000 and for the extension of Belmont Drive to S. 14<sup>th</sup> Street
- 2013-277 Consider and act upon authorizing Don Hastings, City Manager, acting on behalf of the City of Midlothian, to execute the “Dove Lane Realignment Agreement between the City of Midlothian and Ash Grove Cement Company,” for the segment of Dove Lane between US Highway 67 and N. 9<sup>th</sup> Street
- 2013-278 Consider and act upon a bid award to XIT Paving and Construction, Inc. for the Justice Center access driveway in a total alternate bid amount of \$164,774.29 and Change Order No. 1 in a deductive amount of \$25,339.52, for a revised total contract amount not to exceed \$139,434.77
- 2013-279 Consider and act upon the establishment of contractual usage within the City of Midlothian Parks and Recreation facilities, setting the general guidelines, fee schedule and Contract Instructor Agreement
- 2013-280 Conduct and act upon a resolution initiating proceedings to annex 4 separate tracts containing a total of approximately 43.019 acres of land as described by the attached maps, by setting the date and location for 2 public hearings and directing staff to prepare required service plans (Case No. RES06-2012-33)
- 2013-281 Consider and act upon the site plan, building elevations, and landscape plans for a MidTowne assisted living and memory care facility, containing ± 3.5 acres, located on the east side of South 9<sup>th</sup> Street and approximately 150 feet south of George Hopper Road, in the City of Midlothian, Texas (Case No. SP03-2012-60)
- 2013-282 Consider and act upon appointments to Council Subcommittees

### 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.

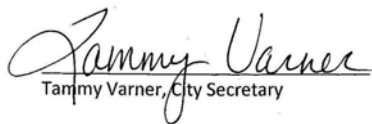
5. Section 551.071 Legal: Consultation with attorney based on an ethical duty to advise regarding potential litigation

*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**

- 2013-283 Action resulting from Executive Session, Item #1: Texas Central Business Lines  
2013-284 Action resulting from Executive Session, Item #2: Economic Development  
2013-285 Action resulting from Executive Session, Item #3: Real Estate  
2013-286 Action resulting from Executive Session, Item #4: ECOM  
2013-287 Action resulting from Executive Session, Item #5: Contemplated litigation  
2013-288 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 5<sup>th</sup> day of July, 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.**