

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

**Tuesday, August 13, 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

2013-311 Announcements/Presentations

- a. Community Affairs calendar
- b. Presentation to Police Department by Cedar Hill Rotary Club
- c. Administrative announcements related to personnel

2013-312 Citizens to be heard

2013-313 Receive an update on various City Board and Commission meetings and activities

**WORKSHOP: BUDGET**

2013-314 Review and discuss City of Midlothian Draft Budget for FY 2013-14

- a. Agency budget presentations and funding requests
- b. Draft FY 2013-2014 Annual Operating Budgets and related financial matters

**PUBLIC HEARINGS**

2013-315 Conduct a public hearing of Case No. AX02-2012-88, the first of 2 public hearings for a proposed annexation and proposed service plan for the provision of public services. The four (4) proposed annexation tracts contain a total of  $\pm$  43.019 acres of land lying within the extraterritorial jurisdiction (ETJ) of the City of Midlothian and adjoining the present city limit boundary lines. The proposed annexation and service plan being fully described in Attachments 1, 2 & 5 attached hereto and made a part hereof for all purposes of the annexation procedures, in accordance with Chapter 43 of the Texas Local Government Code

2013-316 Conduct a public hearing and act upon an ordinance for a Specific Use Permit to allow a liquid natural gas processing facility on  $\pm$  31.219 acres of property zoned Heavy Industrial (HI). Property is known as RailPort Business Park Lot 2, Block 3 and is located southwest of Brookhollow Drive and  $\pm$  1,721 feet from Power Way, in the City of Midlothian, Texas (Case No. SUP07-2012-80)

2013-317 Conduct a public hearing and act upon an ordinance to rezone  $\pm$  264 acres from Medium Industrial (MI) & Heavy Industrial (HI) to Heavy Industrial (HI) District. Property is located in the RailPort Business Park Addition, Lots 5 and 6, Block 1 and RailPort Business Park, Lots 9, 10, & 11, Block 2. Subject property is located  $\pm$  3,070 feet southeast of U.S Hwy 67 on RailPort Parkway, in the City of Midlothian, Texas (Case No. Z12-2012-84)

- 2013-318 Conduct a public hearing and act upon an amendment to the Zoning Ordinance to increase standards for residential development, specifically amending Sections 3.200 (Single Family One), 3.300 (Single Family Two), 3.400 (Single Family Three), 3.500 (Single Family Four), 3.5500 (Residential Masonry, Architecture, and Building Standards), 3.5600 (Residential Parking and Garage Standards) and Section 100 (Definitions) (Case No. OZ05-2012-85)

### REGULAR AGENDA

- 2013-319 Consider and act upon minutes from City Council meetings of July 23 and July 26, 2013
- 2013-320 Consider and act upon a resolution authorizing T. Scott Bryan, TxDOT Aviation Division of TxDOT, acting on behalf of the Cities of Midlothian and Waxahachie, to make an initial formal offer to Kenneth M. Thompson in the amount of \$71,200.00 for the acquisition of a parcel of land in fee simple, for drainage and other public uses for the Midway Regional Airport located in the J.R. Leath Survey, Abstract No. A-634, Located in Ellis County, Texas described as 7.118 acres as described in Exhibit "A" and shown in Exhibit "B" attached hereto and made a part hereof for all purposes, said real property are fully described in the proposed resolution
- 2013-321 Consider, discuss and take a record vote to propose an ad valorem tax rate of \$0.659821 and schedule two public hearings regarding the proposed ad valorem tax rate increase for August 27, 2013 and September 3, 2013
- 2013-322 Consider and act upon an amendment to Ordinance 2012-16; adoption of the 2009 edition of the International Residential Code, specifically amending Sections R803 (Roof Sheathing) & R905 (Requirements for Roof Covering)
- 2013-323 Consider and act upon a request to allow right-of-way encroachment for 10 parking spaces at Jimmy's Restaurant located at 300 N. 8<sup>th</sup> Street. Property is generally located at the northeast corner of North 8<sup>th</sup> Street and West Avenue E in the City of Midlothian, Texas (Case No. M09-2012-87)

### 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

- 2013-324 Action resulting from Executive Session, Item #1: Texas Central Business Lines
- 2013-325 Action resulting from Executive Session, Item #2: Economic Development
- 2013-326 Action resulting from Executive Session, Item #3: Real Estate
- 2013-327 Action resulting from Executive Session, Item #4: ECOM
- 2013-328 Action resulting from Executive Session, Item #5: Contemplated litigation
- 2013-329 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 9th day of August, 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.**