

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS  
Tuesday, September 10, 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

2013-356 Announcements/Presentations

a. Community Affairs calendar

b. Administrative announcements related to personnel

2013-357 Citizens to be heard

2013-358 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.*

2013-359 Consider and act upon minutes from City Council meetings of August 20, August 26 and August 27, 2013

2013-360 Consider and act upon approval of a one-year contract with Ellis County Emergency Services District No. 2 (ESD) to provide fire and EMS response

2013-361 Consider and act upon a resolution authorizing "Finish Strong with a Splash" hosted by the Movement Towards a Future, scheduled for Saturday, November 2, 2013, in accordance with a Special Event Permit as established by the City of Midlothian Zoning Ordinance, Section 2.04 (Case No. RES19-2012-114)

**PUBLIC HEARINGS**

2013-362 Conduct a public hearing and act upon an ordinance for the proposed FY 2013-2014 Annual Operating Budget/Service and Assessment Plan for the City of Midlothian Public Improvement District Number One (MidTowne PID), as established by Ordinance 2008-28, as authorized by Chapter 372 of the Texas Local Government Code (Case No. M11-2012-109)

2013-363 Conduct a public hearing regarding the proposed FY 2013-2014 Annual Operating Budget for the City of Midlothian and take a record vote to adopt the FY 2013-2014 Annual Operating Budget and plan for municipal services for the ensuing fiscal year beginning October 1, 2013 and ending September 30, 2014, in accordance with Local Government Code §102; appropriating money to a Sinking Fund to pay interest and principal on the City's indebtedness; appropriating the various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause and establishing an effective date

## REGULAR AGENDA

- 2013-364 Consider and act upon an ordinance, by record vote of the City Council of the City of Midlothian, Texas, levying and assessing municipal ad valorem taxes for the City of Midlothian, for the fiscal year 2013-2014, at \$0.294816 for Maintenance and Operations and \$0.363428 for Interest and Sinking Funds, for a total of \$0.658244, specifically for the purpose for which said taxes may be expended and directing the assessment and collection thereof; repealing conflicting Ordinances and Resolutions; including a severability clause and establishing an effective date
- 2013-365 Consider and take a separate vote to ratify a property tax revenue increase as reflected in the FY 2013-2014 Annual Operating Budget when compared to the FY 2012-2013 Annual Operating Budget; this budget will raise more total property taxes than last year's budget by \$577,900 which is a 4.438% increase from last year's budget and, of that amount, \$215,466 is tax revenue to be raised from new property added to the tax roll this year
- 2013-366 Consider and act upon an ordinance of the City of Midlothian, Texas, providing for a seventy thousand dollar (\$70,000) residential homestead exemption for persons sixty-five years of age or older from all ad valorem taxes hereafter levied and providing an exemption for disabled veterans based upon the degree of their disability; repealing conflicting ordinances and resolutions; including a severability clause and establishing an effective date
- 2013-367 Consider and act upon an ordinance repealing Ordinance Nos. 2000-50, 2005-49, 2007-35, 2008-45, 2011-03 and 2013-06 in their entirety and adopting an ordinance by establishing rules and regulations for the collection of solid waste collection and disposal, residential recycling and brush collection pick-up; levy of fees to customers for garbage/refuse and recycling collection service, and providing for payment thereof; prohibiting the dumping and accumulation of garbage and refuse on any public or private property in said City; providing that this ordinance shall be cumulative of all ordinances; providing for a repealer clause; providing for a penalty that any violation of the terms of this ordinance is declared to be a misdemeanor, and any person found to be guilty thereof shall be punishable by a fine not to exceed two thousand dollars (\$2,000.00); each day that such violation continues shall constitute a separate offense and shall be punishable accordingly; providing for a severability clause; and setting an effective date
- 2013-368 Consider and act upon a Developer's Agreement to enter into a cost-sharing agreement with Corry Turley for the pavement/rehabilitation of an alley located south of Hawkins Addition, Block 8 Lots 9R, 10R and 11R, in an amount not to exceed \$24,000 (Case No. RES18-2012-86)
- 2013-369 Consider and act upon recommendations of the City Council Nomination Subcommittee for appointments to various City boards and commissions

## 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: Deliberate and consider the acquisition of real property and easements
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
5. Section 551.074 Personnel Matters: (a)(1) to deliberate the duties and/or performance of a public officer or employee

*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**

- 2013-370 Action resulting from Executive Session, Item #1: Economic Development
- 2013-371 Action resulting from Executive Session, Item #2: Real Estate
- 2013-372 Action resulting from Executive Session, Item #3: ECOM
- 2013-373 Action resulting from Executive Session, Item #4: Contemplated litigation
- 2013-374 Action resulting from Executive Session, Item #5: Personnel Matters
- 2013-375 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 6<sup>th</sup> day of September, 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.**