

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, September 24, 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

2013-390 Announcements/Presentations

- a. Community Affairs calendar
- b. Administrative announcements related to personnel
- c. Presentation of TCEQ Water Quality Awards
- d. Receive quarterly investment report from Patterson & Associates

2013-391 Citizens to be heard

2013-392 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.

2013-393 Consider and act upon minutes from City Council meetings of September 3 and September 10, 2013

2013-394 Consider and act upon authorizing the mayor to execute a certification letter to the Texas Attorney General stating that the City of Midlothian Impact Fee Program is in compliance with Texas Local Government Code, Chapter 395 (Case No. M15-2012-117)

2013-395 Consider and act upon a resolution authorizing the Midlothian Independent School District ("MISD") 2013 Homecoming Parade, an event hosted by the MISD, scheduled for Friday, September 27, 2013, in accordance with a Special Event Permit as established by the City of Midlothian Zoning Ordinance 2013-24 as amended, Section 2.04 (Case No. RES20-2012-118)

PUBLIC HEARINGS

2013-396 Continue a public hearing to consider and act upon an ordinance to rezone \pm 68.371 acres from the current Agricultural (A) District to a Planned Development (PD) with minimum lot sizes ranging from 8,400 to 19,500 + square feet. Property is in the W. W. Rawls Survey, Abstract No. 915 and located west of FM 663 and \pm 670 feet south of Harvest Hill, in the City of Midlothian, Texas (Case No. Z03-2012-25)

2013-397 Conduct a public hearing and act upon an ordinance to rezone \pm 3.43 acres from Agricultural (A) District to Commercial (C) District. Property is located in the M Brenan Survey, Abstract 43, and is located at the southern intersection of Apple Lane and FM 663, in the City of Midlothian, Texas (Case No. Z15-2012-99)

- 2013-398 Conduct a public hearing and act upon an ordinance for a Specific Use Permit (SUP) to allow mini-warehouses on ± 3.43 acres of property currently zoned Commercial (C) District (3851 FM 663). Property is located in the M. Brenan Survey, Abstract 43, and is located at the southwest intersection of Apple Lane and FM 663, in the City of Midlothian, Texas (Case No. SUP09-2012-100)
- 2013-399 Conduct a public hearing and act upon an ordinance regarding amendments to the City's adopted Comprehensive Plan, Ordinance 2007-15, as amended, specifically amending the Thoroughfare Plan Map, including but not limited to: (1) adding a new thoroughfare classification; (2) the reclassification of the extension of Hayes Road east of Longbranch Road, (3) the reclassification of the Ledgestone Lane south of Plainview Road, and (4) the realignment and reclassification of South 14th Street from Ashford Lane to FM 875; (5) the deletion of South 14th Street south of McAlpin Road to FM 875; (6) the addition of a new thoroughfare from McAlpin Road to FM 875; (7) the deletion of an east-west road connecting S. 14th Street and S. 9th Street; and, (8) the reclassification and realignment of a proposed east-west road south of FM1387 and west of Walnut Grove Road and any other revisions or deletions; providing a severability clause; and providing an effective date (Case No. CP03-2012-101)
- 2013-400 Conduct a public hearing and act upon an ordinance for a Specific Use Permit (SUP) to allow car sales on property currently zoned Light Industrial District. Property contains ± 2.06 acres in the North Midlothian Industrial Park, Block 1, and located on the east side of US Highway 67 service road and north of Gifco Road, in the City of Midlothian, Texas (Case No. SUP10-2012-102)

REGULAR AGENDA

- 2013-401 Consider and act upon a petition for disannexation of ± 1.147 acres of land from Howard and Tammy Roberts, under to Texas Local Government Code, Chapter 43.141, for failure to provide services. Property is generally located in the John Crane Survey, Abstract 246 and generally located ± 1,050 feet north of the intersection of Walnut Grove Road and Shiloh Road, just south of Old Farmhouse Estates, in the City of Midlothian, Texas; and, if the petition is granted, adopt an ordinance to disannex the area lying within the City of Midlothian into its Extraterritorial Jurisdiction (ETJ). (Case No. DX01-2012-104)
- 2013-402 Consider and act upon a resolution to nominate candidates to the 2014-2015 Board of Directors for the Ellis Appraisal District
- 2013-403 Consider and act upon an agreement between Midlothian Economic Development (MED), Midlothian Community Development Corporation (MCDC) and Jay Garner, Garner Economics LLC to develop a strategic plan for economic development in Midlothian

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

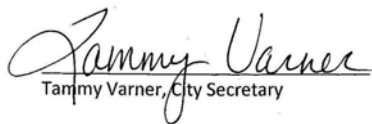
5. Section 551.074 Personnel Matters: (a)(1) to deliberate the duties and/or performance of a public officer or employee

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

- 2013-403 Action resulting from Executive Session, Item #1: Economic Development
2013-404 Action resulting from Executive Session, Item #2: Real Estate
2013-405 Action resulting from Executive Session, Item #3: ECOM
2013-406 Action resulting from Executive Session, Item #4: Contemplated litigation
2013-407 Action resulting from Executive Session, Item #5: Personnel Matters
2013-408 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 20th 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.**