

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS  
Tuesday, May 13, 2014  
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

2014-173 Announcements/Presentations

- a. Administer Oath of Office to the Mayor and Councilmembers Place 1 and 2
- b. Elect Mayor pro tem
- c. Community Affairs calendar
- d. Proclamation designating May 15 as Police Officers Memorial Day
- e. Recognition of Midlothian Community Emergency Response Team ("CERT") for community service and support
- f. Recognition of Leadership Midlothian Class of 2014 for its downtown beautification project "Midlothian in Bloom"
- g. Administrative announcements related to personnel

2014-174 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.*

2014-175 Consider and act upon minutes from City Council meeting of April 22 and May 6, 2014

2014-176 Consider and act upon a resolution authorizing the Chamber of Commerce Wine Walk hosted by the Midlothian Chamber of Commerce scheduled for Thursday, May 22, 2014, in accordance with the zoning requirements for Special Events as established by the City of Midlothian Zoning Ordinance 2013-24, as amended, Section 2.04 (use Table) (Case No. SEP21-2013)

2014-177 Consider and act upon a resolution authorizing the Midlothian Meadows V & VI HOA Block Party, located and hosted by property owners in a section of Midlothian Meadows, scheduled for Sunday, May 18, 2014, in accordance with a Special Event Permit as established by the City of Midlothian Zoning Ordinance 2013-24 as amended, Section 2.04 (Use Table) (Case No. SEP22-2013)

2014-178 Consider and act upon three Interlocal Agreements between the Midlothian Independent School District and the City of Midlothian, Texas for the assignment of a police sergeant and two police officers to MISD for the 2014-15 school year

2014-179 Consider and act upon a resolution authorizing the use of a temporary concrete batch plant in Windermere Estates, Phase One and Two, for the purpose of developing a new subdivision of single-family homes, including streets, within a residential district and providing for procedures established by the Texas Local Government Code and City ordinance; providing for conditions and exemptions; and setting an effective date and termination date (Case No. M10-2013-63)

- 2014-180 Consider and act upon a resolution of the City Council of the City of Midlothian, Texas, denying the rate increase requested by Atmos Energy Corp., Mid-Tex Division under the company's 2014 annual Rate Review Mechanism filing in all cities exercising original jurisdiction; requiring the company to reimburse cities' reasonable ratemaking expenses pertaining to review of the RRM; authorizing the City's participation with Atmos Cities Steering Committee in any appeal filed at the Railroad Commission of Texas by the company; requiring the company to reimburse cities' reasonable ratemaking expenses in any such appeal to the Railroad Commission; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; and requiring delivery of this resolution to the company and the steering committee's legal counsel

#### **PUBLIC HEARINGS**

- 2014-181 Conduct a public hearing regarding the Midlothian Community Park Water Assessment, as prepared by Freese and Nichols, Inc., and direct staff as appropriate

#### **REGULAR AGENDA**

- 2014-182 Consider and act upon an ordinance amending Ordinance No. 2014-12, adopted on April 22, 2014, affecting Article 10, Impact Fees, of the City of Midlothian Subdivision Regulations Ordinance 88-14, as amended, as established by Ordinance No. 99-12, as amended, specifically amending *Impact Fee Schedule 2 - Residential*, to consider an implementation schedule for the assessment of revised impact fees for residential roadways. (Case No. M12-2013-72)
- 2014-183 Consider and act upon a petition for the voluntary annexation of ±1.4109 acres of land, according to Texas Local Government Code, Section 43.028. Subject property is Lots 16-19, Block 5 in the Skyline Acres Addition, being located north of Tayman Drive and ±249 feet east of Melvin Street, in the extraterritorial jurisdiction (ETJ) of the City of Midlothian, Texas; and, if the petition is granted, adopt an ordinance to annex the area lying within the extraterritorial jurisdiction (ETJ) of the City of Midlothian that is contiguous and adjacent to the present boundaries of the City of Midlothian, Texas. (Case No. AX05-2013-62)
- 2014-184 Consider and act upon an ordinance extending the municipal boundary limits of the City of Midlothian, Texas, by voluntary annexation of ± 1.4109 acres of land (the Annexation Area) in accordance to Chapter 43.028 of the Texas Local Government Code. Said Annexation Area is Lots 16-19, Block 5 in the Skyline Acres Addition, being located north of Tayman Drive and 249 feet east of Melvin Street, in the extraterritorial jurisdiction (ETJ) of the City of Midlothian, Texas and adjoining the present boundary limits; Providing that the annexed property shall be subject to the ad valorem taxes levied by the City of Midlothian and that the inhabitants of the annexed property shall be entitled to all rights and privileges of all the regulations of the City of Midlothian now in effect and hereinafter adopted; Annexation Area being fully described in the Exhibits "A & B" attached hereto and made a part of this Ordinance; providing a severability clause; providing for an effective date; and providing for the publication of the caption of this ordinance (Case No. AX05-2013-62)
- 2014-185 Consider and act upon a recommendation from the Midlothian Economic Development Board of Directors on approval of the development budget for the new business park to be built on land purchased by Midlothian Economic Development at the NW corner of Miller Road and Highway 67
- 2014-186 Consider and act upon a recommendation from the Midlothian Economic Development Board of Directors to approve a "Development Agreement" and "Amendment to Development Agreement" with United Properties Southwest, LLC as project manager for Midlothian Business Park

- 2014-187 Consider and act upon a recommendation from the Midlothian Economic Development Board of Directors to approve an agreement for professional consulting services with Pacheco Koch to provide Civil Engineering and related services for Midlothian Business Park
- 2014-188 Review and approve a draft agenda for the June 3<sup>rd</sup> City Council Workshop; review City Council prioritized issues/projects list; and direct staff as necessary

### 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: Deliberation regarding real property - to deliberate the purchase, exchange, lease or value of real property
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

*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

- 2014-189 Action resulting from Executive Session, Item #1: Economic Development
- 2014-190 Action resulting from Executive Session, Item #2: Real Estate
- 2014-191 Action resulting from Executive Session, Item #3: ECOM
- 2014-192 Action resulting from Executive Session, Item #4: Contemplated litigation
- 2014-193 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 9<sup>th</sup> day of May, 2014 at or before 6:00 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.**