

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, August 26, 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
2014-325 Announcements/Presentations
- a. Community Affairs calendar
 - b. Agency budget presentations and funding requests
 - c. Administrative announcements related to personnel
- 2014-326 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.

- 2014-327 Consider and act upon minutes from City Council meeting of August 12, 2014
- 2014-328 Consider and act upon approving an auction to sell miscellaneous items that are outdated, broken or beyond economical repair.
- 2014-329 Consider and act upon a resolution authorizing a Jazz in the Plaza outdoor concert hosted by the Midlothian Independent School District Jazz Band scheduled for Saturday, November 8, 2014, in accordance with 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. SEP29-2013)
- 2014-330 Consider and act upon a resolution authorizing the Midlothian Independent School District (“MISD”) 2014 Homecoming Parade, an event hosted by the MISD, scheduled for Friday, September 19, 2014, 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. SEP30-2013)
- 2014-331 Consider and act upon a one-year contract with Ellis County Emergency Services District No. 2 (ESD) to provide fire and EMS response for the ESD.
- 2014-332 Consider and act upon a multi-year Interlocal Agreement with the City of Ovilla to provide emergency medical transport services.

PUBLIC HEARINGS

- 2014-333 Conduct a public hearing regarding the proposed FY 2014-2015 Annual Operating Budgets for the City of Midlothian.
- 2014-334 Conduct a public hearing regarding the proposed FY 2014-2015 tax rate increase, and schedule and announce the date, time and place of the meeting to adopt the tax rate.

- 2014-335 Continue a public hearing to consider and act upon an ordinance amending the City of Midlothian Zoning Ordinance 2013-24, as amended, to rezone ± 183.8 acres for from the current Agricultural (A) District to a Planned Development District (PD) for residential uses (single-family ±164.1 acres), Commercial/Retail uses (±7.6 acres) and open spaces (±12.1 acres). Property is situated in the J.E. Hawkins Survey, Abstract No. 462, the M.T. Hawkins Survey, Abstract No. 463, the B. F. Hawkins Survey, Abstract No. 464, the J. M. Garvin Survey, Abstract No. 424, and the W.W. Rawls Survey, Abstract No. 915, and generally located south of Mt Zion Road and east of FM 663, in the City of Midlothian, Texas; preserving all other portions of the Zoning Ordinance 2013-24, as amended, and amending the Official Zoning Map; providing a clause relating to severability; determining that the public interests, morals, and general welfare demand a zoning change and amendment therein made; and providing an effective date. (Case No. Z16-2013-71)
- 2014-336 Conduct a public hearing to consider and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 2013-24, as amended, Section 4.5400 (Nonresidential Landscaping, Streetscaping Standards) and Section 100 (Definitions), incorporating changes to various articles, sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. OZ04-2013-91)

REGULAR AGENDA

- 2014-337 Consider and act upon a petition for the voluntary annexation of ±4.915 acres of land, according to Texas Local Government Code, Section 43.028. Subject property is Lot 2, HE Redden Estates, located east of Bryson Lane and approximately 1,860 feet north of FM 1387 in the extraterritorial jurisdiction of 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. AX06-2013-110)
- 2014-338 Consider and act upon an ordinance extending the municipal boundary limits of the City of Midlothian, Texas, by voluntary annexation of ± 4.915 acres of land (the Annexation Area) in accordance to Chapter 43.028 of the Texas Local Government Code. Said Annexation Area is Lot 2, HE Redden Estates, located east of Bryson Lane and approximately 1,860 feet north of FM 1387 in the extraterritorial jurisdiction of 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. AX06-2013-110)
- 2014-339 Consider and act upon approving a Hotel Development Agreement between Gatehouse Midlothian Ownership, LLC, Gatehouse Midlothian Development, LLC, and the City of Midlothian and Midlothian Community Development Corporation for the construction of a new hotel adjacent to the Midlothian Conference Center.
- 2014-340 Review and approve draft agendas for the September 2nd and October 7 City Council Workshops; 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
5. Section 551.074 Personnel Matters: (a)(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. Discussion regarding selection of a consulting firm to assist with City Manager search.

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

- 2014-341 Action resulting from Executive Session, Item #1: Economic Development
- 2014-342 Action resulting from Executive Session, Item #2: Real Estate
- 2014-343 Action resulting from Executive Session, Item #3: ECOM
- 2014-344 Action resulting from Executive Session, Item #4: Contemplated litigation
- 2014-345 Action resulting from Executive Session, Item #5: Personnel
- 2014-346 Adjourn

I, Mary McDonald, Deputy 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 22nd day of August, 2014 at or before 6:00 p.m.


 Mary McDonald, Deputy 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.**