

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, September 9, 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
2014-352 Announcements/Presentations
- a. Community Affairs calendar
 - b. Presentation of Constitution Week proclamation
 - c. Administrative announcements related to personnel
- 2014-353 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.

- 2014-354 Consider and act upon minutes from City Council meeting of August 26, 2014
- 2014-355 Consider and act upon a resolution authorizing the Community Gardening Class, an event hosted by Parks & Recreation Department, scheduled for Saturday, October 4, 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. SEP31-2013)
- 2014-356 Consider and act upon a resolution authorizing the Midlothian Chamber of Commerce Fall Festival & 5K, an event hosted by the Midlothian Chamber of Commerce and scheduled for Saturday, October 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 (Case No. SEP32-2013)
- 2014-357 Consider and act upon authorizing the Mayor to execute a certification letter to the Office of 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. M22-2013-119)
- 2014-358 Consider and act upon a resolution authorizing the use of a temporary concrete batch plant at Midway Regional Airport, for the purpose of an expansion of a new runway/apron 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. M23-2013-120)

PUBLIC HEARINGS

- 2014-359 Conduct a public hearing to consider and act upon an ordinance amending the City of Midlothian Zoning Ordinance 2013-24, as amended, to rezone ± 213.897 acres from the current Agricultural (A) District to a Single Family One (SF-1) District. Property is located in the Shelby Smith Survey, Abstract 973, the J.W. Singleton Survey, Abstract 1246, the G. Garcia Survey, Abstract 419, the J.B. Orr Survey, Abstract 818, and the A. J. Cornelius Survey, Abstract 1285. Property is generally located north of FM 875, in the City of Midlothian, Texas (Case No. Z21-2013-99)

- 2014-360 Conduct a public hearing to act upon an ordinance amending the boundaries and extending the adopted regulations of Ordinance 2011-18, Planned Development (PD-21 (Lawson Farms)) District by rezoning \pm 20 acres from the current Agricultural (A) District to Planned Development (PD-21) District. Property is located in the Martha Brennan, Survey Abstract No. 43 and located east of FM 663 and 600 feet north of Ashford Lane (south of the existing Lawson Farms subdivision and west of the Midlothian Community Park), in the City of Midlothian, Texas (Case No. Z22-2013-100)
- 2014-361 Conduct a second public hearing regarding the proposed FY 2014-2015 Annual Operating Budget for the City of Midlothian and take a record vote to adopt the FY 2014-2015 Annual Operating Budget and plan for municipal services for the ensuing fiscal year beginning October 1, 2014 and ending September 30, 2015, 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

- 2014-362 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 2014-15, at \$0.357561 for Maintenance and Operations and \$0.350683 for Interest and Sinking Funds, for a total of \$0.708244, 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
- 2014-363 Consider and take a separate vote to ratify a property tax revenue increase as reflected in the FY 2014-2015 Annual Operating Budget when compared to the FY 2013-2014 Annual Operating Budget; this budget will raise more total property taxes than last year's budget by \$1,911,911 which is a 13.82% increase from last year's budget and, of that amount, \$370,797 is tax revenue to be raised from new property added to the tax roll this year
- 2014-364 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
- 2014-365 Consider and act upon a resolution initiating proceedings to annex \pm 113 acres of the land, described herein as the Annexation Area, encompassing \pm 32.85 acres out of Walnut Grove Estates, \pm 17.14 acres out of Copy Cat Subdivision, and \pm 62.90 acres out of the John Early Survey, Abstract 343, situated in the extraterritorial jurisdiction of the City of Midlothian, Ellis County, Texas; directing City staff to finalize the boundary description and land area total for the Annexation Area; setting the date and location for the two (2) required public hearings; and directing City staff to prepare the required service plan (Case No. AX09-2013-113)
- 2014-366 Consider and act upon a resolution initiating proceedings to annex \pm 100.43 acres of the land, described herein as the Annexation Area, encompassing \pm 65.45 acres out of Mockingbird Acres and \pm 34.98 acres out of the P.W. Lowe Survey, Abstract 661, situated in the extraterritorial jurisdiction of the City of Midlothian, Ellis County, Texas; directing City Staff to finalize the boundary description and land area total for the Annexation Area; setting the date and location for the two (2) required public hearings; and directing City Staff to prepare the required service plan (Case No. AX08-2013-112)

2014-367 Review and approve draft agendas for the October 7 and November 4 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

- 2014-368 Action resulting from Executive Session, Item #1: Economic Development
2014-369 Action resulting from Executive Session, Item #2: Real Estate
2014-370 Action resulting from Executive Session, Item #3: ECOM
2014-371 Action resulting from Executive Session, Item #4: Contemplated litigation
2014-372 Action resulting from Executive Session, Item #5: Personnel
2014-373 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 5th day of September, 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.