

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS  
Tuesday, October 28, 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  
2014-432 Announcements/Presentations  
    a. Community Affairs calendar  
    b. Administrative announcements related to personnel  
2014-433 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.*

- 2014-434 Consider and act upon minutes from City Council meetings of October 7 and October 14, 2014.
- 2014-435 Consider and act upon an ordinance electing for the City to make current service and prior service contributions to the City's account in the Benefit Accumulation Fund of the Texas Municipal Retirement System (TMRS) at the actuarially determined rate of total employee compensation.
- 2014-436 Consider and act upon a resolution authorizing the Midlothian Police Department to receive grant funds of \$78,600 from the Justice Assistance Grant (JAG) Programs allocated through the Governor's Criminal Justice Division and to authorize the City Manager to accept, reject, alter or terminate that grant.
- 2014-437 Consider and act upon a resolution authorizing the Ellis County Toy Run (motorcycle parade), an event hosted by the Gryphon Motorcycle Club of Ellis County on Sunday, December 14, 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. SEP01-2014)

**PUBLIC HEARINGS**

- 2014-438 Conduct a public hearing to consider and act upon an ordinance to rezone Planned Development (PD-62) District for single family residential uses by amending and expanding said PD-62, and its adopted regulations, with the addition of ± 63.789 acres of land for residential uses (single family lots ranging from 8,000 SF to 14,000 SF) and open spaces. The subject ± 63.789 acre expansion property is currently zoned Agricultural (A) District and is generally located on the west side of Walnut Grove Road, ± 2,300 feet south of FM 1387 in the City of Midlothian, Texas. (Case No. Z20-2013-96)

- 2014-439 Conduct a public hearing of Case No. AX08-2013-123, the second of two public hearings for a proposed annexation and service plan for the provision of public services of approximately ± 103 acres of the land, described herein as the Annexation Area, lying in the P.W. Lowe Survey - Abstract No. 661 (Mockingbird Acres), the G.W. Smith Survey - Abstract No. 1074, the Argyle W. Tucker Survey – Abstract No. 1096, and the Granville Kirk Survey – Abstract No. 604, generally located at the intersection of North Walnut Grove Road and Mockingbird Lane in the extraterritorial jurisdiction (ETJ) of the City of Midlothian and adjoining the present city limit boundary lines. The proposed annexation and service plan being fully described in Attachments 1 and 3 attached hereto and made a part hereof for all purposes of the annexation procedures, in accordance with Chapter 43 of the Texas Local Government Code
- 2014-440 Conduct a public hearing of Case No. AX09-2013-124, the second of two public hearings for a proposed annexation and service plan for the provision of public services of approximately ± 112 acres of the land, described herein as the Annexation Area, lying in the Robert Hosford Survey - Abstract No. 533, the John Early Survey - Abstract No. 343, and the Benjamin F. Witherspoon Survey – Abstract No. 1180, generally located at the intersections of Walnut Grove Road with Walnut Lane and Clancy Lane, lying within the extraterritorial jurisdiction (ETJ) of the City of Midlothian and adjoining the present city limit boundary lines. The proposed annexation and service plan being fully described in Attachments 1 and 3 attached hereto and made a part hereof for all purposes of the annexation procedures, in accordance with Chapter 43 of the Texas Local Government Code.

#### **REGULAR AGENDA**

- 2014-441 Consider and act upon a request for waiver of Building Permit Fee for the Cashmere Ranch Apartments, Phase II, as submitted by developer TerraCorp Capital. Said apartments being platted as Turtle Cove Addition, Block A, Lot 2, containing ±4.389 acres, being generally located east of 9th Street and north of Henderson Street, in the City of Midlothian, Ellis County, Texas (Case No. M01-2014-04)
- 2014-442 Consider and act upon a resolution approving the issuance of bonds by Midlothian Economic Development providing funds to construct infrastructure improvements for the new Midlothian Business Park.
- 2014-443 Consider and act upon adopting final recommendations as presented in, "Building a Better Midlothian: An Economic Development Strategy for the City of Midlothian, Texas"
- 2014-444 Consider and act upon a Joint Resolution authorizing Midlothian Economic Development to amend the Restated Certificate of Formation, to reduce the number of members on the Board of Directors.
- 2014-445 Review and approve draft agenda for the November 4th 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**

- 2014-446 Action resulting from Executive Session, Item #1: Economic Development  
2014-447 Action resulting from Executive Session, Item #2: Real Estate  
2014-448 Action resulting from Executive Session, Item #3: ECOM  
2014-449 Action resulting from Executive Session, Item #4: Contemplated litigation  
2014-450 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 24<sup>th</sup> day of October, 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.**