

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
TUESDAY, MARCH 28, 2023**

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. The regular meeting may be viewed online at www.midlothian.tx.us/watchlive.

REGULAR AGENDA 6:00 P.M.

Call to Order, Invocation, and Pledge of Allegiance.

2023-103 Receive a presentation of the City's financial audit for FY 2021-2022 from representatives of Patillo, Brown, & Hill, LLP.

2023-104 Receive Quarterly Board Liaison Reports.

2023-105 Citizens to be heard - *The City Council invites citizens to address the Council on any topic not already scheduled for a Public Hearing. Citizens wishing to speak should complete a "Citizen Participation Form" and present it to the City Secretary no less than five minutes prior to the start of the meeting. Speakers are limited to 3 minutes. In accordance with the Texas Open Meetings Act, the City Council cannot act on items not listed on the agenda. However, your concerns may be addressed by City Staff, placed on a future agenda, or responded to by some other course. Citizens not attending in person may submit comments on our website at www.midlothian.tx.us/Participate.*

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.

2023-106 Consider and act upon minutes from the City Council meeting of March 14, 2023.

2023-107 Consider and act upon minutes from the Mid-Way Regional Airport Joint Airport Board meeting of February 9, 2023.

2023-108 Consider and act upon the Parks and Recreation Department's request to expend \$22,009.00 of Municipal Hotel/Motel Tax monies for advertisement and production expenditures for the 2023 Raise the Roof Concertfest.

2023-109 Consider and act upon a resolution authorizing MCDC to expend funds for the purchase of advertisement space in Now Magazine for promotional purposes not to exceed the amount of \$14,000.00 dollars per year.

2023-110 Consider and act upon a resolution authorizing a grant in the amount of \$25,000 to be awarded by the Midlothian Community Development Corporation ("MCDC" or "Type B") to Midlothian Chamber of Commerce to provide promotional funds for sponsorship of the 2023 Wine, Art & Craft Brew Festival.

- 2023-111 Consider and act upon the purchase and upfit of two replacement (2) Harley Davidson Police Motorcycles from Longhorn Harley-Davidson for the Traffic Unit and authorize the City Manager to sign any agreements for said purchase. This request includes the upfitting to include emergency lighting and associated equipment. The combined purchase price of the two (2) motorcycles and included equipment and install is an amount not to exceed \$104,420.98.
- 2023-112 Consider and act upon the purchase and upfit of four (4) Ford Interceptors. This request includes the vehicle purchase of two (2) patrol unit replacements and two (2) traffic unit replacements from Sam Packs Five Star Ford for \$194,332.99 and authorize the City Manager to sign any agreements for said purchase. Upfitting will be done by Cap Fleet to include emergency lighting and associated equipment with the exception of a mobile radio and in-car video system for \$116,838.00. The combined purchase price is an amount not to exceed a total of \$311,170.99.
- 2023-113 Consider and act upon the lease of three (3) Ford Police Interceptors through American National Leasing Company and authorize the City Manager to sign any agreements for said lease. This request includes both the acquisition of the vehicles from Sam Pack's Five Star Ford and required emergency equipment excluding radios and in-car systems through Cap Fleet. The lease for all vehicles and associated emergency equipment includes five (5) annual payments of \$50,965 and a \$3 residual purchase for a total of \$254,828.00.
- 2023-114 Consider and act upon a resolution appointing voting directors of Midlothian Municipal Management District No. 2, a conservation and reclamation district located within the corporate limits of the City of Midlothian, Texas

PUBLIC HEARINGS

- 2023-115 Continue a public hearing from the March 14, 2023 City Council meeting and consider and act upon an ordinance relating to the use and development of +/-66.0990 acres, being Lot 3A1, Block 3, of RailPort Business Park-Rev, in the City of Midlothian, Ellis County, Texas by changing the zoning of the Property from Heavy Industrial (HI) District to a Planned Development District to include but not limited to vehicle sale and reconditioning uses. (Z05-2023-002).

REGULAR AGENDA

- 2023-116 Consider and act upon an Economic Development Agreement between Midlothian Community Development Corporation and the City of Midlothian for infrastructure improvements associated with the City Hall/Library facility in an amount not to exceed \$3,000,000.
- 2023-117 Consider and act upon an agreement for professional services with Whitman Land Group, LLC for right-of-way and easement acquisition and related services associated with the Mockingbird Lane roadway capital improvement project in an amount not to exceed \$77,325 and authorize the City Manager to sign said agreement.
- 2023-118 Consider and act upon the purchase of fifteen (15) network switches, sixteen (16) access points and associated equipment for the new City Hall/Library building from General Datatech, L.P., in the amount of \$162,906.41 plus a 10% contingency of \$16,290.64 for a total not to exceed \$179,197.05 and authorize the City Manager to sign any agreements for said purchase.

- 2023-119 Consider and act upon the purchase of twenty-seven (27) network switches, thirty (30) access points and associated equipment for the new Public Safety building from General Datatech, L.P., in an amount of \$317,255.15 plus a 10% contingency of \$31,725.56 for a total not to exceed \$348,980.71 and authorize the City Manager to sign any agreements for said purchase.
- 2023-120 Consider and act upon an amendment to the agreement with Steele and Freeman, Inc. for services as the Construction Manager-At-Risk (CMAR) and associated General Conditions for Construction of the City of Midlothian City Hall & Library in a not to exceed amount of \$29,159,483.00
- 2023-121 Consider and act upon an amendment to the agreement with Steele and Freeman, Inc. for services as the Construction Manager-At-Risk (CMAR) and associated General Conditions for Construction of the City of Midlothian Public Safety and Courts building in an amount not to exceed amount of \$49,541,000.00
- 2023-122 Consider and act upon an ordinance amending the City of Midlothian’s Fiscal Year 2022-2023 General Fund Budget Appropriations in an amount not to exceed \$2,000,000 from the Unreserved Fund Balance to fund the construction of the new City Hall building in accordance with Chapter 102, Local Government Code; appropriating various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause; and establishing an effective date.
- 2023-123 Consider and act upon an ordinance amending the City of Midlothian’s Fiscal Year 2022-2023 Utility Fund Budget Appropriations in an amount not to exceed \$3,032,000 from the Unreserved Fund Balance to fund the construction of the new City Hall building in accordance with Chapter 102, Local Government Code; appropriating various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause; and establishing an effective date.
- 2023-124 Consider and act upon authorizing the City Manager to utilize funds received for reimbursement of government services through the Coronavirus State and Local Fiscal Recovery Funds (“SLFR Funds”) established by the American Rescue Plan Act (the “Act”), in an amount not to exceed \$7,000,000 for payroll, and utilize funds originally budgeted for payroll for the construction of the Public Safety and Courts Building, and the adoption of an ordinance amending the City of Midlothian’s Fiscal Year 2022-2023 General Fund Budget Appropriations in an amount not to exceed \$7,000,000 from the Unearned Revenue Account 105-2400 to fund construction costs of the Public Safety and Courts building, in accordance with Chapter 102, Local Government Code; appropriating various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause; and establishing an effective date.
- 2023-125 Consider and act upon a resolution opposing special districts including Municipal Utility Districts in the City of Midlothian and our extraterritorial jurisdiction.
- 2023-126 Consider and act upon a resolution adopting the amended *Policy on Governance Process and Code of Ethics*

EXECUTIVE SESSION

The City Council will convene into executive session pursuant to the following sections of the Texas Government Code. Executive Session items are discussed in closed session but any and all action is taken in regular open session.

1. Section 551.071(2) Legal: Consultation with city attorney on any agenda item listed herein.

2. Section 551.071 Legal: Consultation with the city attorney regarding the petitions filed for the creation of the proposed Highland Lakes Municipal Utility District No. 1 and FM 875 Municipal Utility District of Ellis County.

REGULAR AGENDA

- 2023-127 Action resulting from Executive Session, Item #1: Legal
2023-128 Action resulting from Executive Session, Item #1: Legal
2023-129 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 25th day of March, 2023 at or before 6:00pm.


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 972-775-3481 for further information.