

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
TUESDAY, NOVEMBER 9, 2021**

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

REGULAR AGENDA 4:00 P.M.

Call to Order, Invocation, and Pledge of Allegiance.

- 2021-500 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.

- 2021-501 Consider and act upon minutes from the City Council meeting of October 26, 2021.
- 2021-502 Consider and act upon a thirty-six (36) month fair market value lease with Dell Computers for 33 laptops and 55 desktops. The Lease is part of the City's computer replacement program as approved in the Capital Equipment Program and the FY 2021-22 Budget.
- 2021-503 Consider and act upon a resolution authorizing the Ellis County Toy Run, an annual event hosted by the Gryphon Motorcycle Club of Ellis County, scheduled for Sunday, December 12, 2021, 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. SEP01-2022)
- 2021-504 Consider and act upon the use of Municipal Hotel/Motel Tax monies for advertisement in the amount of \$5,000 for the Midlothian Chamber of Commerce - 2022 Visitor Guide and Relocation Magazine.
- 2021-505 Consider and act upon authorizing the City Manager to execute an Encroachment on Easement Agreement with Oncor Electric Delivery Company LLC for identified public improvements being installed as part of Bridgewater, Phase 1A.
- 2021-506 Consider and act upon authorizing the City Manager to execute an Encroachment Agreement with Permian Express Partners, LLC for public improvements being installed as part of the City's Hawkins Run Road capital improvement project.
- 2021-507 Consider and act upon a resolution authorizing the City Manager to accept, reject, alter or terminate an OOG Grant Application #3765303.
- 2021-508 Consider and act upon the purchase of a 2021 Reelmaster 3100-D Mower and a Workman HDX cart from Professional Turf Products, L.P. of Euless, TX for a total cost of \$69,103.11.
- 2021-509 Consider and act upon the purchase of a 2021 JLG T500J Towable Boom Lift through Aerial Titians of Bedford, PA for a total cost of \$51,950.

PUBLIC HEARINGS

- 2021-510 Conduct a public hearing and consider and act upon an ordinance granting a Specific Use Permit (SUP) for a secondary dwelling unit on Lot 38, Block 3, Lake Grove Addition (commonly known as 1038 Lakegrove Loop), presently zoned Single-Family One (SF-1) District (Case No. SUP25-2021-191).
- 2021-511 Conduct a public hearing and consider and act upon an ordinance for a Specific Use Permit (SUP) of a 1,330± square foot portion of a building located on lot 2R-A, Block 1, Walnut Grove Center South Addition (commonly known as 4470 East U.S. Highway 287 Ste. 1000) and presently zoned Commercial (C) District, by granting a Specific Use Permit (SUP) for a restaurant exceeding 1,000 square feet) (Case No. SUP26-2021-195).
- 2021-512 Conduct a public hearing and consider and act upon an ordinance relating to the use and development of 506.6± acres out of the M.E.P & P Railroad Company Survey, Abstract No. 761, John Chamblee Survey, Abstract No. 192, J. Stewart Survey, Abstract No. 961, Cuadrilla Irrigation Company Survey, Abstract No. 262 and Cuadrilla Irrigation Company Survey, Abstract No. 1204, described in Exhibit “A” hereto, by changing the zoning from Planned Development District No. 18 (PD-18) to Planned Development District No. 146 (PD-146) for a mixed-use development; adopting development regulations and a site plan. The property is located approximately +/- 1400 feet west of U.S. Hwy 67 interchange, between U.S. Hwy 287 and Old Fort Worth Road (Case No. Z40-2021-160).
- 2021-513 Conduct a public hearing and consider and act upon an ordinance relating to the development and use regulations of +/-356.23 acres in the Chamblee Survey, Abstract No. 192; W.W. Eavin Survey, Abstract No. 932; S.D. Sutton Survey, Abstract No. 1015; and the L. Newton Survey, Abstract No. 792, by changing the zoning from Single-Family One (SF-1) District, Agricultural (A) District, and Planned Development District No. 7 (PD-7) to Planned Development District No. 147 (PD-147) for Commercial and Heavy Industrial uses. The property is generally located north of Highway 67 and east of Ward road (Case No. Z46-2021-192).
- 2021-514 Conduct a public hearing and consider and act upon an ordinance amending the zoning of +/- 66.441 acres situated in the J. Sharkey Survey, Abstract No. 1065 and the WP Kerr Survey, Abstract No. 609, by changing the zoning from Planned Development District No. 94 (PD-94) to Planned Development District No. 150 (PD-150) for a mixed-use development consisting of residential and nonresidential uses. The property is located to the east of U.S. Hwy 67, between Spur 77 and Main Street (Business 287) (Case No. Z49-2021-199). *(Applicant has requested to continue this Item to the December 14, 2021 meeting.)*
- 2021-515 Conduct a public hearing and consider and act upon an ordinance amending and restating in their entirety the development and use regulations of Planned Development District No. 120 (PD-120). The property is located at the northeast corner of FM 663 and FM 875 (Z43-2021-182).
- 2021-516 Conduct a public hearing and consider and act upon an ordinance amending the zoning of +/- 1.1957 acres on Lots 1-10, Block 21, of the Original Town Addition, and Lots 11-15, Block 16, of the Original Town Addition of Midlothian from Commercial (C) District to Planned Development District for a mixed-use development consisting of residential and non-residential (commercial) uses. The property is generally located at 211 and 301 West Main Street (Case No. Z47-2021-193).
- 2021-517 Conduct a public hearing and consider and act upon an ordinance amending the city of Midlothian Zoning Ordinance by amending Section 2.04 “Use Tables”, Subsection (a) “Commercial” by adding temporary shipping/storage containers as a use subject to approval of a special exception; adding Section 2.05 “Temporary placement of shipping/storage containers” on property within the City. (Case No. OZ10-2021-205).

- 2021-518 Conduct a public hearing and consider and act upon an ordinance amending the regulations relating to the use and development being Lots 1A1, 1A2, 2A, and 3A, Block 1 of the McCowan Addition by changing the zoning from Light Industrial (LI) District to Planned Development District No. 149 (PD-149) for Distribution Center Uses. The property is located south of Tayman Drive, between U.S. Hwy 67 and Old Hwy 67 (4191 N U.S. Hwy 67) (Case No. Z48-2021-194). **WITHDRAWN BY APPLICANT**

REGULAR AGENDA

- 2021-519 Consider and act upon a resolution of votes cast to elect directors for the Ellis Appraisal District for the years 2022-2023
- 2021-520 Consider and act upon an Interlocal Cooperation Agreement between Gulf Coast Authority and the City of Midlothian for Industrial Wastewater Treatment Services for the RailPort Industrial Park and surrounding areas.
- 2021-521 Consider and act upon a recommendation from Midlothian Economic Development to approve an Economic Development Performance Agreement with Industrial VI Enterprises, LLC and to provide a possible incentive of up to \$5 million for a project related to infrastructure improvements for new or expanded business enterprises.
- 2021-522 Presentation by Midlothian Economic Development of the Annual Report 2020-2021 Fiscal Year.

EXECUTIVE SESSION

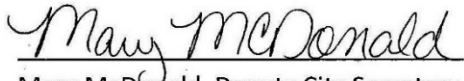
The City Council will convene into executive session pursuant to the following sections of the Texas Government Code. Executive Session items are discussed in closed session but any and all action is taken in regular open session.

1. Section 551.071(2) Legal: Consultation with city attorney on any agenda item listed herein.
2. Section 551.072 Real Estate: Deliberation regarding real property - to deliberate the purchase, exchange, lease or value of real property. S. Walnut Grove Road Right-of-Way.
3. Section 551.072 Real Estate: Deliberation regarding real property - to deliberate the purchase, exchange, lease or value of real property. McAlpin Road Right-of-Way.
4. Section 551.072 Real Estate: Deliberation regarding real property - to deliberate the purchase, exchange, lease or value of real property. 211 W. Avenue F and 207 N. 8th Street.
5. Section 551.087 Economic Development: (1) Deliberation regarding commercial or financial information received from a business prospect and/or (2) To deliberate the offer of a financial or other incentive to a business prospect. Projects: 2110, 2112 & 2114

REGULAR AGENDA

- 2021-523 Action resulting from Executive Session, Item #1: Legal
- 2021-524 Action resulting from Executive Session, Item #2: Real Estate
- 2021-525 Action resulting from Executive Session, Item #3: Real Estate
- 2021-526 Action resulting from Executive Session, Item #4: Real Estate
- 2021-527 Action resulting from Executive Session, Item #5: Economic Development
- 2021-528 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 6th day of November, 2021 at or before 4pm.

A handwritten signature in cursive script that reads "Mary McDonald". The signature is written in black ink and is positioned above a horizontal line.

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.