

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
TUESDAY, OCTOBER 25, 2022**

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.

- 2022-474 Arbor Day Proclamation
- 2022-475 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.

- 2022-476 Consider and act upon minutes from the City Council meetings of October 11 and 18, 2022.
- 2022-477 Consider and act upon cancelling the November 22, 2022 and December 27, 2022 regular City Council meetings.
- 2022-478 Consider and act upon a resolution designating *The Midlothian Mirror* as the official newspaper and *The Waxahachie Daily Light* as the alternate official newspaper of the City of Midlothian for Fiscal Year 2022-2023.
- 2022-479 Consider and act upon the reappointment of Judge Traylor as the Presiding Municipal Judge for the Midlothian Municipal Court and approval of agreement to provide such services.
- 2022-480 Consider and act upon a resolution authorizing the Jingle Belles 5K and Rubies Fun Run, an event hosted by the Heritage Belles Booster Club and scheduled for Saturday, December 3, 2022, 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. SEP01-2023).
- 2022-481 Consider and act upon the purchase of replacement self-contained breathing apparatus (SCBA) at a cost of \$298,768.00 which is included in the FY 2022-2023 budget.

- 2022-482 Consider and act upon the purchase of one Generac SD200 with ATS Generator from Clifford Power Systems at a cost of \$57,422.00 plus installation costs for a total amount not to exceed \$73,000.00, which was approved in the FY 2022-23 budget.
- 2022-483 Consider and act upon the expenditure of funds for pavement resurfacing services on various roads within the City of Midlothian to Donelson Construction Company, LLC in an amount not to exceed \$350,000.00 as approved in the 2022-2023 FY Budget.
- 2022-484 Consider and act upon the purchase of one JLG G5-18A 2022 Telehandler through Kirby Smith Machinery, Inc. in an amount not to exceed \$89,525.00 as approved in the FY 2022-23 budget.
- 2022-485 Consider and act upon the purchase of one Portable Sewer Camera System through Lonestar Municipal Equipment in an amount not to exceed \$108,852.00 as approved in the FY 2022-23 budget.
- 2022-486 Consider and act upon an Interlocal Cooperative Purchasing Agreement with the City of Farmers Branch.

PUBLIC HEARINGS

- 2022-487 Conduct a public hearing and consider and act upon an ordinance for a Specific Use Permit on the southwest corner of the intersection of Onward Road and FM 1387 to allow for a residential subdivision sign located facing FM 1387 near the entrance of Redden Farms subdivision (Case No. SUP23-2022-173).
- 2022-488 Conduct a public hearing and consider and act upon an ordinance for a Specific Use Permit on Lot 4X, Block D, Ridgepoint Addition, to allow for a residential subdivision sign located facing 14th Street, near the entrance of Ridgepoint subdivision (Case No. SUP24-2022-174).
- 2022-489 Conduct a public hearing and consider and act upon an ordinance granting a Specific Use Permit (SUP) to allow for a proposed coffee shop (Scooter's Coffee) with a drive-thru and additional signage. The property is located at 721 E. Main Street (directly to the east of O'Reilly's Automotive) (Case No. SUP26-2022-181). **CONTINUE TO NOVEMBER 8, 2022 PER APPLICANT REQUEST**
- 2022-490 Conduct a public hearing and consider and act upon an ordinance to rezone Lot 2 of Block 28, Original Town City of Midlothian (commonly known as 105 N 6th St) from Residential Three (R3) District to Urban Village Planned Development District No. 57 (UVPD-57) for general professional office uses. (Case No. Z46-2022-178).

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- 2022-491 Consider and act upon building elevations for ±0.396 acres in Lot 11-15, Block 16 of OT Midlothian Sec. 6. The property is located at 211 W. Main Street and is zoned Planned Development-148 (SP12-2022-176).
- 2022-492 Consider and act upon a request for an Exception to Sec. 3.5501 of the Midlothian Zoning Ordinance to allow for the construction of the primary roof of a building with a roof pitch less than the minimum requirement of 8:12. The property is presently zoned Agricultural (A) District. The property is located on ±2.3 acres located at 4011 Waters Edge Drive. (Case No. M19-2022-179).

- 2022-493 Consider and act upon a special exception from the Subdivision Ordinance from Section 6.16 “Improvement Standards and Requirements” pertaining to driveway material on a new development at 824 Dividend Road in Eastgate, also to approve ROW parking for the development. The property is approximately +/-2.66 acres being Lot 6, Block 2 of Eastgate Industrial Park (commonly known as 824 Dividend Road) (Case No. M21-2022-189).
- 2022-494 Consider and act upon a Development Agreement with Midlothian South TRS, Inc. for roadway improvements associated with Planned Development No. 147 (PD-147).
- 2022-495 Consider and act upon an ordinance of the City of Midlothian, Texas, repealing Ordinance No. 2006-62 in its entirety; establishing an ordinance by altering the prima facie speed limit established for vehicles under the provisions of Transportation Code, Section 545.356 upon FM 663 or parts thereof, within the corporate limits of the City of Midlothian, as set out in this ordinance; providing for appropriate signs to be erected indicating said speed zones; providing a repealing clause; providing a severability clause; providing a savings clause; providing for a penalty of fine not to exceed two hundred dollars (\$200.00); and providing for an effective date.
- 2022-496 Consider and act upon authorizing the City Manager to execute two separate agreements with BNSF Railway Company (BNSF) for the City’s water line and fiber conduit crossings of BNSF’s right-of-way near Ward Road, to include payment to BNSF for contract fees associated with these agreements, as well as insurance requirements.
- 2022-497 Consider and act upon the purchase of a 2025 Pierce-Custom Enforcer 100’ aerial platform at a vehicle price of \$1,884,809 utilizing BuyBoard.
- 2022-498 Receive a presentation by Midlothian Economic Development of the Annual Report 2021-2022 Fiscal Year and FY 2022-23 MED Work Plan.

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 generally located within the City of Midlothian.
3. Section 551.074 Personnel Matters: (a)(1) to deliberate the evaluation and duties of a public officer or employee – City Manager.
4. Section 551.071 Legal: Consultation with the city attorney regarding petitions filed for the creation of the proposed Circle S Municipal Utility District of Ellis County and the proposed Highland Lakes Municipal Utility District No. 1 of Ellis County.

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- 2022-499 Action resulting from Executive Session, Item #1: Legal
- 2022-500 Action resulting from Executive Session, Item #2: Real Estate
- 2022-501 Action resulting from Executive Session, Item #3: Personnel Matters
- 2022-502 Action resulting from Executive Session, Item #4: Legal

2022-503 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 October, 2022 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.