

**NOTICE OF A JOINT WORKSHOP WITH THE  
PLANNING AND ZONING COMMISSION  
AND A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS  
TUESDAY, SEPTEMBER 12, 2023**

Pursuant to the provisions of Chapter 551 VTCA Government Code, notice is hereby given of a Regular Meeting and Joint Workshop of the Midlothian City Council and Planning & Zoning Commission, 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](http://www.midlothian.tx.us/watchlive).

**JOINT WORKSHOP AGENDA 4:00 P.M.**

Call to Order of both Boards

2023-342 Review and discuss the proposed Main Street Towne Crossing development and direct staff as necessary.

2023-343 Adjourn the Planning and Zoning Commission.

**REGULAR AGENDA**

Call to Order, Invocation and Pledge of Allegiance.

2023-344 Presentation of a proclamation for Constitution Week

2023-345 Presentation of an award to the Fire Department

2023-346 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 prior to the item being opened for discussion. 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](http://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.*

2023-347 Consider and act upon minutes from the City Council meetings of August 22 and September 5, 2023.

2023-348 Consider and act upon an Interlocal Cooperative Purchasing Agreement with the City of Harker Heights and authorize the City Manager to sign said agreement.

2023-349 Consider and act upon a proposal from Nema 3 Electric, Inc. for the purchase and installation of one 130 ft. powder coated pole and one 65 ft. powder coated pole for water meter collectors in Bridgewater and Westside Preserves in an amount not to exceed \$93,907.00.

2023-350 Consider and act upon a resolution authorizing the Midlothian High School Alumni Association Homecoming Parade, scheduled for Wednesday, October 4, 2023 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. SEP15-2023).

- 2023-351 Consider and act upon a resolution authorizing the See Ya at the Pole Rally, an event hosted by First Baptist Church Midlothian and scheduled for Wednesday, September 27, 2023, 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. SEP16-2023).
- 2023-352 Consider and act upon a resolution authorizing the Creekside Manor Haunted House, an event hosted by Matt and Rheta Pressnell, on each Friday and Saturday from September 29 to October 28, Sunday, October 29, Monday, October 30, and Tuesday, October 31, 2023, for a total of 13 days, 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. SEP17-2023).
- 2023-353 Consider and act upon a five-year agreement with Axon Enterprise, Inc. for the purchase of body cameras, in-car video systems, tasers, and associated software and storage with the first annual payment not to exceed \$376,138.00.

#### **PUBLIC HEARINGS 6:00 P.M.**

- 2023-354 Conduct a public hearing and consider and act upon an ordinance amending and restating the development and use regulations of Planned Development District No. 78 (PD-78) as set forth in Ordinance No. 2015-15 to allow for an electronic message center on a pole sign. The property is located at approximately 1630 North U.S. Highway 67. (Z20-2023-66)

#### **REGULAR AGENDA**

- 2023-355 Consider and act upon adopting the FY 2023-2024 Pay Plan for the approved positions that were included in the upcoming fiscal year budget beginning October 1, 2023 and ending September 30, 2024.
- 2023-356 Consider and act upon an ordinance of the City of Midlothian, Texas, amending the Code of Ordinances by amending Chapter 3 titled "Building Regulations" by repealing Article 3.12 titled "Flood Damage Prevention" in its entirety and replacing Article 3.12 titled "Flood Damage Prevention" with a new ordinance establishing regulations to minimize flood losses and to remain in compliance with Federal Emergency Management Agency ("FEMA") regulations; providing a repealing clause; providing a severability clause; providing a savings clause; providing for a penalty of fine not to exceed the sum of five hundred dollars (\$500.00); and providing for an effective date.
- 2023-357 Consider and act upon authorizing the City Manager to execute an agreement for professional services with Freese and Nichols, Inc. for engineering-related services associated with the dredging of sediment within the intake channel at the City's raw water pump station at Joe Pool Lake in an amount not to exceed \$391,499.
- 2023-358 Consider and act upon authorizing the Mayor to execute a Public Road Development Agreement with the Midlothian Development Authority and KDC OEDC Development Two, LLC for the realignment and reconstruction of VV Jones Road, from US Highway 67 to Power Way and authorize the temporary closing of a segment of VV Jones Road necessary for construction of the Oncor facility.
- 2023-359 Consider and act upon the adoption of a revised Joint Airport Agreement with the City of Waxahachie for the operation of Mid-Way Regional Airport.

#### **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 551.074 Personnel Matters: (a)(1) to deliberate the evaluation of a public officer or employee; City Manager, City Secretary, City Attorney, Municipal Court Judge.
3. Section 551.071 Legal: Consultation with city attorney regarding pending litigation: Cause No. 111504, Alma Ann Seale and Sam Seale v. City of Midlothian, Texas.
4. Section 551.072 Real Estate: Deliberation regarding real property - to deliberate the purchase, exchange, lease or value of real property located within the City of Midlothian

### **REGULAR AGENDA**

- 2023-360 Action resulting from Executive Session, Item #1: Legal
- 2023-361 Action resulting from Executive Session, Item #2: Personnel Matters
- 2023-362 Action resulting from Executive Session, Item #3: Legal
- 2023-363 Action resulting from Executive Session, Item #4: Real Estate
- 2023-364 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 9<sup>th</sup> day of September, 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.**