

**MINUTES 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**

The City Council of the City of Midlothian convened in a Joint Workshop with the Planning & Zoning Commission and a Regular Meeting in the Council Chambers of City Hall, 104 West Avenue E, with the meeting open to the public and notice of said meeting posted as prescribed by V.T.C.A., Government Code, Chapter 551, with the following members present to-wit:

City Council		Planning & Zoning Commission	
Justin Coffman	§ Mayor	Maurice Osborn	Chairman
Allen Moorman	§ Councilmember Place 1	Scott Koehler	Vice- Chairman
Mike Rodgers	§ Councilmember Place 2	Lee Skinner	
Anna Hammonds	§ Councilmember Place 3	Ron Bland	
Ed Gardner	§ Councilmember Place 5	Mark Hill	<i>Absent</i>
Hud Hartson	§ Councilmember Place 6	Ross Weaver	
		Dan Altman	

Absent: Councilmember Hartson absent for workshop portion only. Mayor pro tem Wickliffe absent for entire meeting.

JOINT WORKSHOP AGENDA 4:00 P.M.

CALL TO ORDER OF BOTH BOARDS

Mayor Coffman and Chairman Osborn called their respective boards to order at 4:03 p.m. Mayor Coffman gave the invocation and led in the pledges.

2023-342 REVIEW AND DISCUSS THE PROPOSED MAIN STREET TOWNE CROSSING DEVELOPMENT AND DIRECT STAFF AS NECESSARY.

City Council and Planning and Zoning Commission reviewed and discussed the preliminary renderings for the proposed development.

2023-343 ADJOURN THE PLANNING AND ZONING COMMISSION.

Chairman Osborn adjourned the Planning and Zoning Commission at 5:44 p.m.

REGULAR AGENDA

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE.

Mayor Coffman called the meeting to order at 6:03 p.m. Councilmember Hammonds gave the invocation and led in the pledges.

2023-344 PRESENTATION OF A PROCLAMATION FOR CONSTITUTION WEEK

Mayor Coffman presented the proclamation to Sandra Conley, representing the Daughters of the American Revolution.

2023-345 PRESENTATION OF AN AWARD TO THE FIRE DEPARTMENT

Emergency medicine physician, Dr. Ketan Trivedi, presented the Fire Department with a Gold Line Life Award, recognizing the Department's quick response and success in treating cardiac events in the community.

2023-346 CITIZENS TO BE HEARD

Chris Vinson of the Midlothian Police Department, addressed Council to thank them for their continued support of the Commercial Vehicle Unit.

Kellye Osborne addressed Council expressing thanks for the City's support of the Midlothian High School Alumni Association's Homecoming Parade. On another topic, Ms. Osborne requested continued City support for the Creekbend subdivision flooding issues.

CONSENT AGENDA

- 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.**

Councilmember Hammonds moved to approve the Consent Agenda as presented. Motion was seconded by Councilmember Gardner and carried unanimously (6-0).

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)**

The Applicant requested the Item be continued to the November 14, 2023 Council meeting.

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.**

The Item was presented by Ann Honza, noting one correction to the Economic Development Analyst position from Grade 23 to Grade 24. Councilmember Hammonds moved to approve Item 2023-355 as presented, to include the change as noted by Ms. Honza. Motion was seconded by Councilmember Moorman and carried unanimously (6-0).

- 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.**

The Item was presented by Mike Adams. Councilmember Gardner moved to approve Item 2023-356 as presented. Motion was seconded by Councilmember Hammonds and carried unanimously (6-0).

- 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.**

The Item was presented by Mike Adams. Councilmember Moorman moved to approve Item 2023-357 as presented. Motion was seconded by Councilmember Gardner and carried unanimously (6-0).

- 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.**

The Item was presented by Mike Adams. Councilmember Hammonds moved to approve Item 2023-358 as presented. Motion was seconded by Councilmember Rodgers and carried unanimously (6-0).

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.

The Item was presented by Clyde Melick. Michael Williams, Kevin Griffin and Walter Darrach addressed Council in opposition to the Item. Non-Speakers in opposition were: Lisa Healy, Stacy Mayfield, Joann Williams, Vernon Mitchell, John Peroyea, Kenneth Lantz and Corey Bonnell. Following Executive Session, Councilmember Gardner moved to table Item 2023-359 until after the completion of the Airport Board, Midlothian, Waxahachie and stakeholders' workshop, and the establishment of a committee to guide the process and rewrite the Joint Airport Agreement. Motion was seconded by Councilmember Moorman and carried unanimously (6-0).

Council moved to Executive Session at 7:05 p.m. for the purpose of discussing Items 1, 2 and 3 with the following present: Mayor Coffman, Councilmembers Moorman, Rodgers, Hammonds, Gardner, and Hartson; City Manager, Assistant City Manager, and City Attorney

EXECUTIVE SESSION

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| 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 |

Council reconvened in Regular Session at 8:08 p.m. with no action taken in Executive Session.

REGULAR AGENDA

2023-360 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: LEGAL

See Item 2023-359 for action taken.

2023-361 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: PERSONNEL MATTERS

No action taken following Executive Session.

2023-362 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: LEGAL

Councilmember Hammonds moved to authorize the City Manager to execute a Letter of Engagement with Walker Bright Law Firm for representation for the City as it relates to Alma Ann Seale and Sam Seale vs. City of Midlothian. Motion was seconded by Councilmember Gardner and carried unanimously (6-0).

2023-363 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: REAL ESTATE

The Item was not discussed during Executive Session.


2023-364 ADJOURN

With there being no further business to discuss, Mayor Coffman adjourned the meeting at 8:11 p.m.

ATTEST:



Tammy Varner, City Secretary



Justin Coffman, Mayor