

**MINUTES OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
TUESDAY, SEPTEMBER 26, 2023**

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

Justin Coffman	§	Mayor
Allen Moorman	§	Councilmember Place 1
Mike Rodgers	§	Councilmember Place 2
Anna Hammonds	§	Councilmember Place 3
Clark Wickliffe	§	Mayor pro tem Place 4
Ed Gardner	§	Councilmember Place 5
Hud Hartson	§	Councilmember Place 6

REGULAR AGENDA 6:00 P.M.

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE.

Mayor Coffman called the meeting to order at 6:00 p.m. with notice of the meeting duly posted and a quorum present. Councilmember Moorman gave the invocation and led in the pledges.

2023-365 PRESENTATION OF A NATIONAL NIGHT OUT PROCLAMATION

Mayor Coffman presented the proclamation to Police Department representatives, Chief Carl Smith and Officer Chris Douglas.

2023-366 RECEIVE AN UPDATE FROM COUNCIL LIAISONS ON BOARD AND COMMISSION ACTIVITIES.

Councilmembers Moorman and Gardner, liaisons to the Utility Advisory Board; Councilmember Rodgers, liaison to the Planning and Zoning Commission, Councilmember Hammonds, liaison to the Midlothian Community Development Corp.; Mayor pro tem Wickliffe, liaison to the Mid-Way Airport; and, Mayor Coffman, liaison to Midlothian Economic Development, provided updates on their respective boards' recent activities.

2023-367 CITIZENS TO BE HEARD

Midlothian resident, Lisa Healy, addressed Council in opposition to Agenda Item 2023-285.

Linsy Beaty introduced herself as a candidate for the office of Ellis County District Attorney in the 2024 primary election.

CONSENT AGENDA

2023-368 CONSIDER AND ACT UPON MINUTES FROM THE CITY COUNCIL MEETING OF SEPTEMBER 12, 2023.

2023-369 CONSIDER AND ACT UPON MINUTES FROM THE MID-WAY REGIONAL AIRPORT JOINT AIRPORT BOARD MEETING OF AUGUST 10, 2023.

2023-370 CONSIDER AND ACT UPON A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLOTHIAN, TEXAS, AUTHORIZING AN AGREEMENT TO PURCHASE INTERESTS IN REAL PROPERTY RELATING TO THE DEVELOPMENT OF WESTSIDE PRESERVE; AND PROVIDING AN EFFECTIVE DATE.

2023-371 CONSIDER AND ACT UPON THE PURCHASE OF ONE 2023 RAM 2500 (DJ7L91) TRADESMAN 4X4 CREW CAB 6'4" BOX AT A COST OF \$59,984.00; WHICH WAS APPROVED IN THE FY 2023-24 BUDGET.

- 2023-372 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 WHICH WAS APPROVED IN THE FY 2023-2024 BUDGET.**
- 2023-373 CONSIDER AND ACT UPON AN AGREEMENT WITH DAY SERVICES, LLC FOR THE 2023 MIDLOTHIAN UTILITY PACKAGE WATER AND SEWER LINE IMPROVEMENT PROJECTS WITH A BASE BID OF \$1,023,199.25 PLUS A 5% CONTINGENCY, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$1,074,359.21.**
- 2023-374 CONSIDER AND ACT UPON AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIDLOTHIAN, TEXAS AND THE NORTH CENTRAL TEXAS EMERGENCY DISTRICT, HEREINAFTER REFERRED TO AS "NCT9-1-1," HAVING ITS PRINCIPAL PLACE OF BUSINESS AT 616 SIX FLAGS DRIVE, ARLINGTON, TX 76011.**

Mayor pro tem Wickliffe moved to approve the Consent Agenda as presented. Motion was seconded by Councilmember Gardner and carried unanimously (7-0).

REGULAR AGENDA

- 2023-375 CONSIDER AND ACT UPON THE AWARD OF AN INSURANCE CONTRACT WITH TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL (TMLIRP) AND ENTER INTO AN INTERLOCAL AGREEMENT TO PROVIDE PROPERTY & CASUALTY COVERAGES FOR THE CITY OF MIDLOTHIAN EFFECTIVE OCTOBER 1, 2023 WITH A TOTAL PREMIUM AMOUNT OF \$832,186.82.**

The Item was presented by Stephanie Dye. Mayor pro tem Wickliffe moved to approve Item 2023-375 as presented. Motion was seconded by Councilmember Hammonds and carried unanimously (7-0).

- 2023-376 CONSIDER AND ACT UPON AUTHORIZING THE CITY MANAGER TO EXECUTE A STREET LANDSCAPING MAINTENANCE LICENSE AGREEMENT WITH CROSSROADS LOGISTICS PARK ASSOCIATION TO GRANT THE ASSOCIATION THE RIGHT TO MAINTAIN CERTAIN LANDSCAPING IMPROVEMENTS WITHIN THE PUBLIC RIGHTS-OF-WAY LOCATED WITHIN THE PROPERTY.**

The Item was presented by Mary Elliott. Mayor pro tem Wickliffe moved to approve Item 2023-376 as presented. Motion was seconded by Councilmember Moorman and carried unanimously (7-0).

- 2023-377 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING AN EXPENDITURE IN THE AMOUNT OF \$19,000 BY THE MIDLOTHIAN COMMUNITY DEVELOPMENT CORPORATION (MCDC) TO THE CITY OF MIDLOTHIAN FOR COSTS ASSOCIATED WITH A CONSULTANT SERVICES AGREEMENT WITH TEAGUE, NALL & PERKINS TO PROVIDE CONCEPTUAL DESIGN MODIFICATIONS AND COST ESTIMATE FOR THE UPDATE OF RIDGEVIEW PARK.**

The Item was presented by Heather Dowell. Councilmember Hartson moved to approve Item 2023-377 as presented. Motion was seconded by Councilmember Hammonds and carried unanimously (7-0).

- 2023-378 CONSIDER AND ACT UPON AUTHORIZING THE CITY MANAGER TO EXECUTE A "LEASE AGREEMENT" WITH MARTIN MARIETTA NORTH TEXAS CEMENT, LLC F/K/A TXI OPERATIONS, LP FOR THE PLACEMENT OF AN ELEVATED STORAGE TANK LOCATED OFF OF WARD ROAD.**

The Item was presented by Mike Adams. Mayor pro tem Wickliffe moved to approve Item 2023-378 as presented. Motion was seconded by Councilmember Hammonds and carried unanimously (7-0).

2023-379 CONSIDER AND ACT UPON AUTHORIZING THE CITY MANAGER TO EXECUTE A "RIGHT OF ENTRY AGREEMENT" WITH TARRANT REGIONAL WATER DISTRICT FOR THE TEMPORARY USE OF CITY PROPERTY AT THE AUGER WATER TREATMENT PLANT AND ADJACENT AREAS AS PART OF A PIPELINE REHABILITATION PROJECT.

The Item was presented by Mike Adams. Councilmember Moorman moved to approve Item 2023-379 as presented. Motion was seconded by Councilmember Hammonds and carried unanimously (7-0).

2023-380 CONSIDER AND ACT UPON AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO THE WESTSIDE PRESERVE DEVELOPMENT AGREEMENT WITH WESTSIDE PRESERVE DEVELOPMENT, LLC, SAID AGREEMENT BEING ASSOCIATED WITH PLANNED DEVELOPMENT 146 (PD-146), MORE COMMONLY REFERRED TO AS WESTSIDE PRESERVE.

The Item was presented by Mike Adams. Councilmember Hammonds moved to approve Item 2023-380 as presented. Motion was seconded by Councilmember Rodgers and carried unanimously (7-0).

2023-381 CONSIDER AND ACT UPON A ONE-YEAR INTERLOCAL AGREEMENT FOR PROVIDING EMERGENCY SERVICES (FISCAL YEAR 2024) WITH ELLIS COUNTY EMERGENCY SERVICES DISTRICT NO. 2 (ESD) TO PROVIDE FIRE AND EMERGENCY MEDICAL SERVICES RESPONSE FOR THEIR JURISDICTION.

The Item was presented by Chief Dale McCaskill. Mayor pro tem Wickliffe moved to approve Item 2023-381 as presented. Motion was seconded by Councilmember Hammonds and carried unanimously (7-0).

2023-382 CONSIDER AND ACT UPON UTILIZING ELLIS COUNTYWIDE RADIO SYSTEM (ECRS) FUND BALANCE TO COMPLETE EQUIPMENT AND ANTENNA RELOCATIONS TO THE NEW FIRE STATION 3 RADIO BUILDING IN AN AMOUNT NOT TO EXCEED \$95,057.26.

The Item was presented by Mike Weiss. Mayor pro tem Wickliffe moved to approve Item 2023-382 as presented. Motion was seconded by Councilmember Hammonds and carried unanimously (7-0).

2023-383 CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE CITY OF MIDLOTHIAN'S FISCAL YEAR 2022-2023 ELLIS COUNTY RADIO FUND BUDGET APPROPRIATIONS IN AN AMOUNT NOT TO EXCEED \$95,057.26 FROM THE UNRESERVED FUND BALANCE FOR THE RELOCATION OF EQUIPMENT AND ANTENNA TO THE NEW FIRE STATION 3 RADIO 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.

The Item was presented by Ann Honza. Councilmember Moorman moved to approve Item 2023-383 as presented. Motion was seconded by Mayor pro tem Wickliffe and carried unanimously (7-0).

2023-384 CONSIDER AND ACT UPON A RESOLUTION AMENDING THE MASTER FEE SCHEDULE EFFECTIVE OCTOBER 1, 2023, TO AMEND CERTAIN FEES FOR ANIMAL SERVICES, COMMUNITY SERVICES, DEVELOPMENT CODE, EMERGENCY SERVICES, ENVIRONMENT SERVICES, IMPACT FEES, COURT, PARKS AND RECREATION, UTILITIES, AND UTILITY BILLING, AND ADDING THE FEE FOR HAZARDOUS WASTE VOUCHERS.

The Item was presented by Ann Honza. Following discussion, Councilmember Gardner moved to approve the Master Fee Schedule revisions related to the Development Code only and table the remaining proposed revisions until a council workshop on the topic is held and a redlined schedule comparing current and proposed fees is provided. Motion was seconded by Councilmember Hartson and carried by a vote of 5-2, with Councilmembers Rodgers and Hammonds voting in opposition.

Agenda Items 2023-385 and 2023-386 were moved to the end of the agenda.

2023-387 CONSIDER AND ACT UPON A RESOLUTION OF CANDIDATE NOMINATIONS FOR THE ELLIS APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE YEAR 2024-2025.

The Item was presented by Chris Dick. Councilmember Gardner moved to nominate all current EAD board members for another term. Motion was seconded by Mayor Coffman and carried unanimously (7-0).

2023-388 CONSIDER AND ACT UPON NOMINATIONS FOR APPOINTMENTS TO THE PARK BOARD, ZONING BOARD OF ADJUSTMENT, MIDLOTHIAN ECONOMIC DEVELOPMENT AND MIDLOTHIAN COMMUNITY DEVELOPMENT CORPORATION.

Mayor Coffman presented the Nomination Subcommittee recommendations for the following boards: Park Board – Dannion McClendon; Midlothian Economic Development – Jim Norris; Zoning Board of Adjustment – Glade Smith (non-voting) and Timothy Fitten (voting); and, Midlothian Community Development Corporation – Bryce Cranmer. Councilmember Hammonds moved to approve the nominations as presented. Motion was seconded by Mayor pro tem Wickliffe and carried unanimously (7-0).

2023-385 CONSIDER AND ACT UPON A RESOLUTION APPROVING A SUSPENSION OF THE ACTIVITIES AND AUTHORITY OF THE JOINT AIRPORT BOARD UNTIL A REVISED JOINT AIRPORT AGREEMENT IS COMPLETED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIDLOTHIAN.

The Item was presented by Clyde Melick. Michael Williams addressed Council in opposition to the Item. Joann Williams registered as a non-speaker in opposition to the Item. Council moved to Executive Session to consult with legal counsel under Section 551.071(2) at 7:52 p.m. Council reconvened in Regular Session at 8:29 p.m. with no action taken in Executive Session. Councilmember Moorman moved to deny Item 2023-386 as presented. Motion was seconded by Councilmember Gardner and failed by a vote of 3-4, with Mayor Coffman, Mayor pro tem Wickliffe, Councilmembers Rodgers and Hammonds voting in opposition. Mayor pro tem Wickliffe moved to approve Item 2023-386 as presented. Motion was seconded by Councilmember Hammonds and carried by a vote of 4-3, with Councilmembers Moorman, Gardner and Hartson voting in opposition.

2023-386 DISCUSS THE PROCESS FOR MOVING FORWARD WITH THE CITY OF WAXAHACHIE TO RECONSIDER THE AMENDMENTS TO THE JOINT AIRPORT AGREEMENT AND DIRECT STAFF AS NECESSARY.

Following discussion, Council directed staff to compile an airport tenant survey. Once tenant comments are received, a workshop, with public comment, is to be scheduled between the City Council of Midlothian, City Council of Waxahachie and Airport Board, to review and discuss the proposed new Joint Airport Agreement.

Council moved to Executive Session at 8:55 p.m. for the purpose of discussing Items 2, 3 and 4, with the following present: Mayor Coffman, Mayor pro tem Wickliffe, Councilmembers Moorman, Rodgers, Hammonds, Gardner and Hartson; City Manager, Assistant City Manager, City Attorney and Kyle Kinatader for his respective items. Mayor pro tem Wickliffe recused himself from the discussion on Item #3, citing a conflict of interest.

EXECUTIVE 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 551.072 **REAL ESTATE: DELIBERATION REGARDING REAL PROPERTY - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY LOCATED NEAR HWY 67 IN MIDLOTHIAN**
4. 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. PROJECT 2308**

Council reconvened in Regular Session at 10:26 p.m. with no action taken in Executive Session.

REGULAR AGENDA

2023-389 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: LEGAL

No action taken following Executive Session.

2023-390 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: PERSONNEL MATTERS

Mayor pro tem Wickliffe moved to approve a 4% salary increase to the City Manager, City Secretary and Municipal Judge, effective the first full pay cycle in October. Motion was seconded by Councilmember Hammonds and carried unanimously (7-0).

2023-391 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: REAL ESTATE

No action taken following Executive Session.

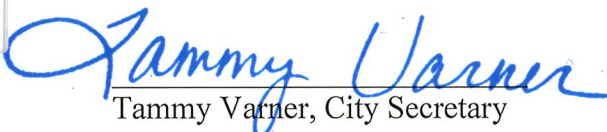
2023-392 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: ECONOMIC DEVELOPMENT

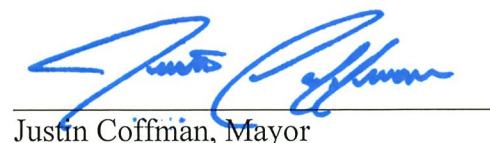
No action taken following Executive Session.

2023-393 ADJOURN

With there being no further business to discuss, Mayor Coffman adjourned the meeting at 10:27 p.m.

ATTEST:


Tammy Varner, City Secretary


Justin Coffman, Mayor