

**MINUTES OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
TUESDAY, OCTOBER 10, 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 AND INVOCATION

Mayor Coffman called the meeting to order at 6:00 pm. Councilmember Hammonds gave the invocation.

2023-396 CUB SCOUT PACK 962 - PRESENTATION OF FLAGS, PLEDGE OF ALLEGIANCE AND CUB SCOUT OATH.

Members of Cub Scout Pack 962 led in the US and Texas pledges of allegiance.

2023-397 CITIZENS TO BE HEARD

None to be heard.

CONSENT AGENDA

2023-398 CONSIDER AND ACT UPON MINUTES FROM THE CITY COUNCIL MEETING OF SEPTEMBER 26, 2023.

2023-399 CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MIDLOTHIAN, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 8 TITLED "OFFENSES AND NUISANCES" BY DELETING ARTICLE 8.05 TITLED "CURFEW FOR MINORS" IN ITS ENTIRETY AND RESERVING ARTICLE 8.05 FOR FUTURE USE.

2023-400 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 2, 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. SEP01-2024).

2023-401 CONSIDER AND ACT UPON A THREE-YEAR ENTERPRISE LICENSE AGREEMENT WITH SHI FOR ALL MICROSOFT LICENSES IN USE BY THE CITY OF MIDLOTHIAN WITH AN ANNUAL COST OF \$142,967.24 FOR A TOTAL COST OF \$428,901.72 AND AUTHORIZE THE CITY MANAGER TO EXECUTE ANY ASSOCIATED AGREEMENTS.

- 2023-402 CONSIDER AND ACT UPON THE PURCHASE OF TWO (2) NETWORK SWITCHES TO REPLACE AND UPGRADE THE SERVER NETWORK SWITCHES AT THE POLICE DEPARTMENT AS PART OF THE CITY'S NETWORK MAINTENANCE PROGRAM APPROVED IN THE FY 2023-24 BUDGET.**
- 2023-403 CONSIDER AND ACT UPON A SIXTY (60) MONTH LEASE WITH DELL FINANCIAL SERVICES FOR TWO (2) DELL POWERSTORE 500T SAN APPLIANCES AND ASSOCIATED INSTALLATION AND CONFIGURATION SERVICES THROUGH WAYPOINT SOLUTIONS AND AUTHORIZE THE CITY MANAGER TO EXECUTE ANY ASSOCIATED AGREEMENTS.**
- 2023-404 CONSIDER AND ACT UPON AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH THE CITY OF HUMBLE AND AUTHORIZE THE CITY MANAGER TO SIGN SAID AGREEMENT.**
- 2023-405 ~~CONSIDER AND ACT UPON A RESOLUTION ACCEPTING AND SUPPORTING THE MID-WAY REGIONAL AIRPORT AUTOMATED WEATHER OBSERVING SYSTEM (AWOS) PROJECT AND REQUEST FOR TEXAS DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE.~~**
- 2023-406 ~~CONSIDER AND ACT UPON A RESOLUTION ACCEPTING AND SUPPORTING THE MID-WAY REGIONAL AIRPORT RUNWAY REHABILITATION AND MARKING PROJECT AND THE REQUEST FOR TEXAS DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE.~~**

At the request of Councilmember Gardner, Items 2023-405 and 2023-406 were removed from the Consent Agenda. Mayor pro tem Wickliffe moved to approve the amended Consent Agenda as presented. Motion was seconded by Councilmember Gardner and carried unanimously (7-0).

- 2023-405 CONSIDER AND ACT UPON A RESOLUTION ACCEPTING AND SUPPORTING THE MID-WAY REGIONAL AIRPORT AUTOMATED WEATHER OBSERVING SYSTEM (AWOS) PROJECT AND REQUEST FOR TEXAS DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE.**

The Item was presented by Clyde Melick. Mayor pro tem Wickliffe moved to approve Item 2023-405 as presented. Motion was seconded by Councilmember Hammonds and carried unanimously (7-0).

- 2023-406 CONSIDER AND ACT UPON A RESOLUTION ACCEPTING AND SUPPORTING THE MID-WAY REGIONAL AIRPORT RUNWAY REHABILITATION AND MARKING PROJECT AND THE REQUEST FOR TEXAS DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE.**

The Item was presented by Clyde Melick. Mayor pro tem Wickliffe moved to approve Item 2023-406 as presented. Motion was seconded by Councilmember Gardner and carried unanimously (7-0).

PUBLIC HEARINGS

- 2023-407 CONDUCT A PUBLIC HEARING AND CONSIDER AND ACT UPON AN ORDINANCE FOR A SPECIFIC USE PERMIT (SUP) FOR A "SECONDARY DWELLING" RELATING TO THE USE AND DEVELOPMENT OF LOT 2, HERITAGE RANCH ESTATES, CITY OF MIDLOTHIAN, ELLIS COUNTY, TEXAS. THE PROPERTY IS PRESENTLY ZONED AGRICULTURAL (A) DISTRICT AND IS LOCATED ON ±7.132 ACRES AT 931 BELMONT DR. (CASE NO. SUP12-2023-071).**

Mayor Coffman opened the Public Hearing and the Item was presented by Leslie Regan. With no public input received, Mayor pro tem Wickliffe moved to close the Public Hearing. Motion was seconded by Councilmember Hammonds and carried unanimously (7-0). Councilmember Moorman moved to approve Item 2023-407 as presented. Motion was seconded by Councilmember Hammonds and carried unanimously (7-0).

2023-408 CONDUCT A PUBLIC HEARING AND CONSIDER AND ACT UPON AN ORDINANCE FOR A SPECIFIC USE PERMIT (SUP) FOR A "DAY CARE" RELATING TO THE USE AND DEVELOPMENT OF LOT 1, BLOCK A, CREEKSIDE CHURCH OF CHRIST ADDITION, CITY OF MIDLOTHIAN, ELLIS COUNTY, TEXAS. THE PROPERTY IS PRESENTLY ZONED AGRICULTURAL (A) DISTRICT AND IS LOCATED ON ±19.08 ACRES AT 5401 E HIGHWAY 287 (CASE NO. SUP13-2023-072)

Mayor Coffman opened the Public Hearing and the Item was presented by Brian Guenzel. With no public input received, Mayor pro tem Wickliffe moved to close the Public Hearing. Motion was seconded by Councilmember Gardner and carried unanimously (7-0). The applicant, Vernon Witherspoon, addressed Council in support of the Item and answered Council questions. Councilmember Hammonds moved to approve Item 2023-408 as presented. Motion was seconded by Councilmember Moorman and carried by a vote of 6-1, with Mayor pro tem Wickliffe voting in opposition.

2023-409 CONDUCT A PUBLIC HEARING AND CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE ZONING OF PLANNED DEVELOPMENT-123 (PD-123) TO ALLOW FOR DEVELOPMENT OF A "HOTEL", RELATING TO THE USE AND DEVELOPMENT OF A PORTION OF WM HAWKINS SURVEY, ABSTRACT 465, CITY OF MIDLOTHIAN, ELLIS COUNTY, TEXAS. THE PROPERTY IS LOCATED ON ±2.5 ACRES AND IS GENERALLY LOCATED ALONG THE NORTH SIDE OF EAST MAIN STREET AND ASPEN PARKWAY. (CASE NO. Z21-2023-068).

Mayor Coffman opened the Public Hearing and the Item was presented by Colby Collins. Speakers in support were Del Blair, Scott Pendery and Kim Wiens. With no further public input received, Mayor pro tem Wickliffe moved to close the Public Hearing. Motion was seconded by Councilmember Gardner and carried unanimously (7-0). The Applicant, Robert Patel, addressed Council in support of the Item and answered Council questions. Councilmember Moorman moved to approve Item 2023-409 as presented. Motion was seconded by Councilmember Hartson and carried by a vote of 5-2, with Mayor Coffman and Councilmember Rodgers voting in opposition.

2023-410 CONDUCT A PUBLIC HEARING AND CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE ZONING FROM AGRICULTURAL (A) DISTRICT TO A SINGLE FAMILY-2 (SF-2) ZONING TO ALLOW FOR SINGLE FAMILY RESIDENTIAL USE, BEING LOTS 24 AND 25, ROLLING WOOD ESTATES, CITY OF MIDLOTHIAN, ELLIS COUNTY, TEXAS. THE PROPERTY IS LOCATED ON ±3.8 ACRES AT 3830 OAK TREE LANE. (CASE NO. Z25-2023-076).

Mayor Coffman opened the Public Hearing and the Item was presented by Brian Guenzel. With no public input received, Mayor pro tem Wickliffe moved to close the Public Hearing. Motion was seconded by Councilmember Hammonds and carried unanimously (7-0). Mayor pro tem Wickliffe moved to approve Item 2023-410 as presented. Motion was seconded by Councilmember Rodgers and carried unanimously (7-0).

2023-411 CONDUCT A PUBLIC HEARING AND CONSIDER AND ACT UPON ORDINANCE OF THE CITY OF MIDLOTHIAN, TEXAS, AMENDING THE CITY OF MIDLOTHIAN ZONING ORDINANCE AND ZONING MAP RELATING THE TEMPORARY ZONING DESIGNATION RELATING TO THE USE AND DEVELOPMENT OF 370± ACRES OF THE PROPERTY ANNEXED INTO THE CORPORATE LIMITS OF THE CITY PURSUANT TO ORDINANCE NO. 2004 AND ORDINANCE NO. 99-51 BY CHANGING THE ZONING CLASSIFICATION THE 370± ACRES FROM TEMPORARY AGRICULTURAL (A) AGRICULTURAL (A) ZONING DISTRICT (Z26-2023-78). GENERAL DESCRIBED AS FOLLOWS:

2023-411 (cont'd) BEGINNING AT THE SOUTHEAST CORNER OF THE INTERSECTION OF FARM TO MARKET ROAD 875 (FM 875) AND SINGLETON ROAD, SOUTHERLY ALONG THE EASTERN BOUNDARY OF SINGLETON ROAD TO ITS INTERSECTION WITH THE CITY LIMITS OF THE CITY OF MIDLOTHIAN AS DESCRIBED AND DEPICTED IN CITY OF MIDLOTHIAN, TEXAS, ORDINANCE NO. 2004-10 (ORD. NO. 2004-10); THEN EASTERLY ALONG SAID CITY LIMITS, THEN NORTHERLY ALONG THE WESTERN BOUNDARY OF BAUCUM ROAD AND CONTINUING ALONG BAUCUM ROAD BACK TO THE POINT OF BEGINNING; AND INCLUDING A SEVENTY (70) ACRE PARCEL TO THE NORTH GENERALLY DESCRIBED AS BEING PART OF THE G.S. SMITH SURVEY, ABSTRACT 1074, THE A.J. CORNELIUS SURVEY, ABSTRACT 1285, AND THE G.B. GLOVER SURVEY, ABSTRACT 1219, ELLIS COUNTY, TEXAS, AND BEING A PART OF THE 3212.1279-ACRE TRACT DESCRIBED IN DEED FROM SO. CREEK RANCH, LLC, A TEXAS LIABILITY LIMITED COMPANY TO THE SALVATION ARMY, A GEORGIA CORPORATION RECORDED IN VOLUME 1773, PAGE 1957, OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS. FOR PURPOSES OF CLARITY, THE PROPERTY CONTAINED WITHIN THE ABOVE BOUNDED AREA ARE THOSE PROPERTIES, AND PORTIONS OF PROPERTIES TO THE EXTENT LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF MIDLOTHIAN, TEXAS, IDENTIFIED BY THE ELLIS APPRAISAL DISTRICT BY THE FOLLOWING PROPERTY IDENTIFICATION NUMBERS: 138485, 244793, 244794, 244795, 244796, 265615 AND 273163.

Mayor Coffman opened the Public Hearing and Clyde Melick presented the Item. Speakers in support of the Item were Lisa Healy and Edward Biggers. With no further public input received, Mayor pro tem Wickliffe moved to close the Public Hearing. Motion was seconded by Councilmember Gardner and carried unanimously (7-0). Mayor pro tem Wickliffe moved to approve Item 2023-411 as presented. Motion was seconded by Councilmember Moorman and carried unanimously (7-0).

Council moved to Executive Session at 7:47 p.m. for the purpose of discussing Items 2 and 3, with the following present: Mayor Coffman, Mayor pro tem Wickliffe, Councilmembers Moorman, Rodgers, Hammonds, Gardner and Hartson; City Manager, Assistant City Manager, City Attorney, Mike Adams and Kyle Kinatader for their respective items.

EXECUTIVE SESSION

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| 1. SECTION 551.071(2) | LEGAL: CONSULTATION WITH CITY ATTORNEY ON ANY AGENDA ITEM LISTED HEREIN. |
| 2. SECTION 551.072 | REAL ESTATE: DELIBERATION REGARDING REAL PROPERTY - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY – PROPERTY LOCATED WITHIN THE CITY OF MIDLOTHIAN. |
| 3. 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 8:40 p.m. with no action taken in Executive Session.

REGULAR AGENDA

2023-412 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: LEGAL

The Item was not discussed during Executive Session.

2023-413 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: REAL ESTATE

Mayor pro tem Wickliffe moved to authorize the City Manager to negotiate and execute an agreement with Joyce E. Houk to purchase (1) a 0.363 acre tract of land for street right-of-way and (2) a 0.031 acre tract of land for a permanent drainage easement, both located within the P.W. Lowe Survey, Abstract No. 661, City of Midlothian, Ellis County, Texas in consideration of a purchase price of \$15,473 in association with construction of the Mockingbird Lane Road Project, plus payment of all related closing costs. The City Manager is further authorized to execute on behalf of the City such additional closing documents as may be required by such agreement and the title company as necessary to close this transaction. Motion was seconded by Councilmember Gardner and carried unanimously (7-0).

Mayor pro tem Wickliffe moved to authorize the City Manager to negotiate and execute an amendment to the Purchase Sale Agreement between the City and MidTexas International Center Inc. effective September 14, 2022 to provide for the purchase of an additional 0.2 acres adjacent to the City's property for the purchase price of \$35,000.00, and to modify the location of the access easement described in said Purchase and Sale Agreement to provide for an access point to the Seller's property south of said 0.2 acres, and further authorize the City Manager to negotiate and execute all conveyance and other documents necessary for the closing of such purchase. Motion was seconded by Councilmember Hammonds and carried unanimously (7-0).

2023-414 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: ECONOMIC DEVELOPMENT

No action taken following Executive Session

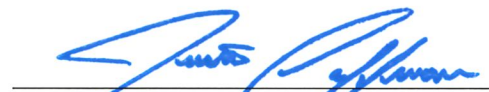
2023-415 ADJOURN

With there being no further business to discuss, Mayor Coffman adjourned the meeting at 8:43 p.m.

ATTEST:



Tammy Varner, City Secretary



Justin Coffman, Mayor