MINUTES OF A REGULAR MEETING OF THE GOVERNING BODY OF THE CITY OF MIDLOTHIAN, TEXAS TUESDAY, DECEMBER 12, 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 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:

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

Absent: Mayor Coffman

REGULAR AGENDA 4:00 P.M.

CALL TO ORDER, PLEDGES, AND INVOCATION

Mayor pro tem Wickliffe called the meeting to order at 4:00 p.m. and Councilmember Hammonds gave the invocation and led in the pledges.

2023-481 CITY COUNCIL REPORT ON ITEMS OF COMMUNITY INTEREST.

Councilmembers reported on current events and happenings within the community.

2023-482 CITY COUNCIL QUARTERLY BOARD LIAISON UPDATE

Councilmembers Hammonds, Gardner, Rodgers, Hartson and Moorman reported on recent activities for their respective boards.

2023-483 CITIZENS TO BE HEARD

None to be heard.

CONSENT AGENDA

- 2023-484 CONSIDER AND ACT UPON MINUTES FROM THE CITY COUNCIL MEETINGS OF NOVEMBER 8 AND 14 AND DECEMBER 5, 2023.
- 2023-485 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING A GRANT IN THE AMOUNT OF \$35,000 TO BE AWARDED BY THE MIDLOTHIAN COMMUNITY DEVELOPMENT CORPORATION ("MCDC" OR "TYPE B") TO MIDLOTHIAN CHAMBER OF COMMERCE TO PROVIDE PROMOTIONAL FUNDS FOR SPONSORSHIP OF THE 2024 WINE, ART & CRAFT BREW FESTIVAL.
- 2023-486 CONSIDER AND ACT UPON A TWO-YEAR REGULATORY SERVICES CONTRACT WITH THE TRINITY RIVER AUTHORITY OF TEXAS (TRA) FOR INDUSTRIAL INSPECTION SERVICES, INDUSTRIAL SAMPLING SERVICES AND ANALYTICAL SERVICES IN AN AMOUNT NOT TO EXCEED \$90,000
- 2023-487 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE 2024 CITY OF MIDLOTHIAN SPECIAL EVENTS HOSTED BY THE CITY OF MIDLOTHIAN, IN THE CALENDAR YEAR 2024, 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. SEP03-2024)

- 2023-488 CONSIDER AND ACT UPON THE MIDLOTHIAN CHAMBER OF COMMERCE REQUEST TO EXPEND \$15,010.00 OF MUNICIPAL HOTEL/MOTEL TAX MONIES FOR ADVERTISING AND EVENT EXPENSES FOR THE APRIL 2024 WINE, ART & CRAFT BREW FESTIVAL.
- 2023-489 CONSIDER AND ACT UPON AWARDING A CONTRACT TO MESOTECH INTERNATIONAL INC. FOR THE AUTOMATED WEATHER OBSERVATION SYSTEM III WITH PRESENT WEATHER SENSOR AND THUNDER STRIKE ALERT. (AWOS III PT).

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

PUBLIC HEARINGS

2023-490 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE RELATING TO THE USE AND DEVELOPMENT OF .78± ACRES OF LAND SITUATED IN THE J.B. GARVIN SURVEY, ABSTRACT 402, BY CHANGING THE ZONING FROM PLANNED DEVELOPMENT NO. 14 (PD-14) DISTRICT TO URBAN VILLAGE PLANNED DEVELOPMENT (UVPD) DISTRICT FOR NURSING CARE. THE PROPERTY IS GENERALLY LOCATED AT THE NORTHWEST INTERSECTION OF FM 663 AND LENA LANE, COMMONLY KNOWN AS 1111 S. 9TH STREET. (CASE NO. Z29-2023-112.

Mayor pro tem Wickliffe opened the Public Hearing. Councilmember Hartson moved to continue Item 2023-490 to January 9, 2024. Motion was seconded by Councilmember Gardner and carried unanimously (6-0).

2023-491 CONTINUE A PUBLIC HEARING AND CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE ZONING OF PLANNED DEVELOPMENT-28 (PD-28) TO CHANGE THE USE AND DEVELOPMENT REGULATIONS FOR THE RESIDENTIAL DEVELOPMENT. THE PROPERTY IS GENERALLY LOCATED NORTH OF MT. ZION ROAD AND +/-1500 FEET EAST OF SUDITH LANE. (CASE NO. Z27-2023-85).

Mayor pro tem Wickliffe opened the Public Hearing and the Item was presented by Colby Collins. With no public input received, Councilmember Gardner moved to close the Public Hearing. Motion was seconded by Councilmember Hartson and carried unanimously (6-0). The Applicant, Todd Winters, addressed Council in support of the Item. Councilmember Moorman moved to approve Item 2023-491 as presented, subject to the requirement that setback lines for front-entry garages be amended from 20' to 25'. Motion was seconded by Councilmember Hammonds and carried unanimously (6-0).

2023-492 CONDUCT A PUBLIC HEARING AND CONSIDER AND ACT UPON AN ORDINANCE FOR A SPECIFIC USE PERMIT (SUP) FOR A WATER WELL, RELATING TO THE USE AND DEVELOPMENT OF 9.808± ACRE OF LAND LOCATED ON LOT 15 OF HONEYSUCKLE RIDGE, PHASE FOUR (4), COMMONLY KNOWN AS 1011 ASHFORD LANE, LOCATED IN AGRICULTURAL (A) ZONING DISTRICT (CASE NO. SUP16-2023-97).

Mayor pro tem Wickliffe opened the Public Hearing and the Item was presented by Leslie Regan. With no public input received, Councilmember Hartson moved to close the Public Hearing. Motion was seconded by Councilmember Moorman and carried unanimously (6-0). Councilmember Hartson moved to approve Item 2023-492 as presented. Motion was seconded by Councilmember Hammonds and carried unanimously (6-0).

2023-493 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE FOR A SPECIFIC USE PERMIT (SUP) FOR A SOLAR FARM FOR 678+ ACRES OUT OF THE JOHN CHAMBLEE SURVEY, ABSTRACT NO. 192 AND THE S.D. SUTTON SURVEY, ABSTRACT 1015, PRESENTLY ZONED SINGLE-FAMILY ONE (SF-1) DISTRICT. INCLUDING PROPERTY PARCEL NUMBERS 201487,181191,181167,181149, 191218, 181260, 181168, 238841, AND 181089. THE PROPERTY IS GENERALLY LOCATED TO THE NORTH OF U.S. HIGHWAY 67, BETWEEN WARD ROAD AND SOUTH WEATHERFORD ROAD AND EXTENDING NORTH OF SOUTH WYATT ROAD, CITY OF MIDLOTHIAN, ELLIS COUNTY, TEXAS. (CASE NO. SUP22-2023-109)

Mayor pro tem Wickliffe opened the Public Hearing and the Item was presented by Mary Elliott. Debra Markwardt addressed Council in opposition to the Item. With no further public input received, Councilmember Gardner moved to close the Public Hearing. Motion was seconded by Councilmember Hartson and carried unanimously (6-0). A representative of the Applicant, Ellis Solar, provided a presentation of the project.

Council convened into Executive Session at 5:00 p.m., under Section 551.071(2) to consult with legal counsel on Items 2023-493 and 2023-498, with the following present: Mayor pro tem Wickliffe, Councilmembers Moorman, Rodgers, Hammonds, Gardner and Hartson; City Manager, Assistant City Manager and City Attorney. Council reconvened into Regular Session at 5:39 p.m.

Mayor pro tem Wickliffe moved to continue Item 2023-493 to the January 9, 2024 meeting and direct staff to work with Ms. Markwardt to obtain a solution to issues presented. Motion was seconded by Councilmember Hartson and carried unanimously (6-0).

2023-494 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS TO ALLOW TEMPORARY STORAGE CONTAINERS IN PLANNED DEVELOPMENT-24, BEING ±27.71 ACRES OF LOT 1, BLOCK A, WALMART ADDITION, CITY OF MIDLOTHIAN, ELLIS COUNTY, TEXAS. THE PROPERTY IS GENERALLY LOCATED AT 400 S. HIGHWAY 67 (CASE NO. Z31-2023-114)

Mayor pro tem Wickliffe opened the Public Hearing and the Item was presented by Colby Collins. With no public input received, Councilmember Gardner moved to close the Public Hearing. Motion was seconded by Councilmember Hartson and carried unanimously (6-0). A representative from Walmart addressed Council in support of the Item. Councilmember Moorman moved to approve Item 2023-494 as presented. Motion was seconded by Councilmember Rodgers and carried unanimously (6-0).

CONDUCT A PUBLIC HEARING AND CONSIDER AND ACT UPON AN 2023-495 ORDINANCE FOR A PLANNED DEVELOPMENT AMENDMENT (PD), **AMENDING** THE **DEVELOPMENT** REGULATIONS OF **PLANNED** (PD-149) TO ALLOW ADDITIONAL INDUSTRIAL **DEVELOPMENT-149 MANUFACTURING USES AND OUTSIDE STORAGE FOR** DEVELOPMENT, BEING LOT 1 AND LOT 2, BLOCK 1 OF MCCOWAN ADDITION-REV., CITY OF MIDLOTHIAN, ELLIS COUNTY, TEXAS. THE PROPERTY IS LOCATED AT 4521 N. US HIGHWAY 67. (CASE NO. Z30-2023-

Mayor pro tem Wickliffe opened the Public Hearing and the Item was presented by Colby Collins. With no public input received, Councilmember Hartson moved to close the Public Hearing. Motion was seconded by Councilmember Gardner and carried unanimously (6-0). Councilmember Gardner moved to approve Item 2023-495 as presented. Motion was seconded by Councilmember Hartson and carried by a vote of 4-2, with Mayor pro tem Wickliffe and Councilmember Rodgers voting in opposition.

REGULAR AGENDA

- Items 2023-496 and 2023-497 were discussed and voted on concurrently.
- 2023-496 CONSIDER AND ACT UPON AN ORDINANCE DESIGNATING THE AREA WITHIN THE MIDLOTHIAN CITY LIMITS, INCLUDING EXTRATERRITORIAL JURISDICTION AS A QUALIFIED MEDIA PRODUCTION DEVELOPMENT ZONE.
- 2023-497 CONSIDER AND ACT UPON AN ORDINANCE NOMINATING THE REAL PROPERTY AT 8291 & 8281 BAUCUM ROAD, MIDLOTHIAN, TEXAS, 76065 AS A QUALIFIED MEDIA PRODUCTION LOCATION.

The Items were presented by Chris Dick. Councilmember Hammonds moved to approve Items 2023-496 and 2023-497 as presented. Motion was seconded by Councilmember Rodgers and carried unanimously (6-0).

2023-498 CONSIDER AND ACT UPON AN ORDINANCE APPOINTING DIRECTORS FOR MIDLOTHIAN MUNICIPAL MANAGEMENT DISTRICT NO. 3; CONFIRMING NO KNOWN DEFAULTS AND THE ENFORCEABILITY OF CONSENT APPLICATION AND DEVELOPMENT AGREEMENTS FOR SAID DISTRICT; APPROVING OF SAID DISTRICT'S ISSUANCE OF BONDS; APPROVAL OF A 5-YEAR CAPITAL IMPROVEMENT BUDGET FOR SAID DISTRICT; AND PROVIDING AN EFFECTIVE DATE

The Item was presented by Clyde Melick. Councilmember Rodgers moved to approve Item 2023-498 as presented. Motion was seconded by Councilmember Hammonds and carried unanimously (6-0).

2023-499 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING AN EXPENDITURE IN THE AMOUNT OF \$150,720.90 BY THE MIDLOTHIAN COMMUNITY DEVELOPMENT CORPORATION (MCDC) TO THE CITY OF MIDLOTHIAN INFORMATION TECHNOLOGY DEPARTMENT FOR COSTS ASSOCIATED WITH THE EXPANSION OF THE CITY FIBER NETWORK TO HAWKINS SPRING PARK.

The Item was presented by MeLissa Boler. Councilmember Hammonds moved to approve Item 2023-499 as presented. Motion was seconded by Councilmember Rodgers and carried unanimously (6-0).

2023-500 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING AN EXPENDITURE IN THE AMOUNT OF \$82,953.98 BY THE MIDLOTHIAN COMMUNITY DEVELOPMENT CORPORATION (MCDC) TO THE MIDLOTHIAN POLICE DEPARTMENT FOR COSTS ASSOCIATED WITH A PARK AND EVENT SECURITY GRANT REQUEST TO INCLUDE RADIOS, ATV'S AND A TRAILER.

The Item was presented by MeLissa Boler. Councilmember Hammonds moved to approve Item 2023-500 as presented. Motion was seconded by Councilmember Hartson and carried unanimously (6-0).

2023-501 CONSIDER AND ACT UPON AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PRECISION FLOW ENGINEERING (PFE) FOR TESTING, ADJUSTING, AND BALANCING (TAB) AT THE CITY HALL/LIBRARY FACILITY AT COST NOT TO EXCEED \$40,400.00

The Item was presented by Clyde Melick. Councilmember Hartson moved to approve Item 2023-501 as presented. Motion was seconded by Councilmember Rodgers and carried unanimously (6-0).

2023-502 CONSIDER AND ACT UPON AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PRECISION FLOW ENGINEERING (PFE) FOR TESTING, ADJUSTING, AND BALANCING (TAB) AT THE PUBLIC SAFETY/COURT FACILITY AT COST NOT TO EXCEED \$79,900.00

The Item was presented by Clyde Melick. Councilmember Rodgers moved to approve Item 2023-502 as presented. Motion was seconded by Councilmember Hammonds and carried unanimously (6-0).

2023-503 CONSIDER AND ACT UPON AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH NETWORK CABLING SERVICES (NCS) TO MIGRATE THE CITY'S MUNICIPAL AREA NETWORK (MAN) FIBER FROM CURRENT CITY HALL TO THE NEW CITY HALL FACILITY FOR \$81,662.62 PLUS A 10% CONTINGENCY OF \$8,166.26 FOR AN AMOUNT NOT TO EXCEED \$89,828.88.

The Item was presented by Mike Weiss. Councilmember Gardner moved to approve Item 2023-503 as presented. Motion was seconded by Councilmember Hammonds and carried unanimously (6-0).

2023-504 CONSIDER AND ACT UPON AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH NETWORK CABLING SERVICES (NCS) TO MIGRATE THE CITY'S MUNICIPAL AREA NETWORK (MAN) FIBER FROM THE CURRENT POLICE DEPARTMENT TO THE NEW PUBLIC SAFETY FACILITY FOR \$89,959.21 PLUS A 10% CONTINGENCY OF \$8,995.92 IN AN AMOUNT NOT TO EXCEED \$98,955.13.

The Item was presented by Mike Weiss. Councilmember Rodgers moved to approve Item 2023-504 as presented. Motion was seconded by Councilmember Hammonds and carried unanimously (6-0).

2023-505 CONSIDER AND ACT UPON AUTHORIZING THE CITY MANAGER TO EXECUTE A "COMMUNICATIONS FACILITIES LICENSE AGREEMENT" WITH NEW CINGULAR WIRELESS PCS, LLC (AN AT&T MOBILITY CORPORATION), FOR THE INSTALLATION OF ANTENNA FACILITIES AND EQUIPMENT SHELTER AT THE CITY'S WATER TOWER LOCATED AT 3232 MOCKINGBIRD LANE.

The Item was presented by Mike Adams. Councilmember Rodgers moved to approve Item 2023-505 as presented. Motion was seconded by Councilmember Moorman and carried unanimously (6-0).

2023-506 CONSIDER AND ACT UPON NOMINATIONS FOR APPOINTMENT/REAPPOINTMENTS TO THE HISTORIC ADVISORY BOARD, MIDLOTHIAN COMMUNITY DEVELOPMENT CORPORATION, PARK BOARD, MIDLOTHIAN ECONOMIC DEVELOPMENT, MIDLOTHIAN DEVELOPMENT AUTHORITY, PLANNING & ZONING COMMISSION, ZONING BOARD OF ADJUSTMENT AND UTILITY ADVISORY BOARD.

Mayor pro tem Wickliffe announced the following board and commission appointments and reappointments:

APPOINTMENTS:

Park Board Candice Milsap
MCDC Scott Silverii
Historic Advisory Board Jamie Wickliffe
Midlothian Economic Development Wayne Shuffield

REAPPOINTMENTS:

MCDC

Jan Davis

MDA

Chris Dick

Bryce Cranmer

David Ramirez

Kissy Day

Dora Trillo

PARK BOARD

Mark Tepper

UAB

Tony Sanders

Dannion McClendon

Indria Hollingsworth

Donna Crimmons-Bonnell

Bill Hileman Kevin Pruett

ZBA

Richard Moscicki

MED

Bill Burdett

Timothy Fitten

Richard Reno

Lynda Johnson

P&Z COMMISSION

Maurice Osborn

Scott Koehler Mark Hill

Ross Weaver

Items 2023-507 through 2023-511 were discussed and acted upon concurrently.

CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE FY 2023-2024 2023-507 CONFERENCE CENTER BUDGET APPROPRIATIONS IN THE AMOUNT OF \$26,698.60 FROM THE CONFERENCE CENTER UNRESERVED FUND BALANCE FOR EXPENDITURES ENCUMBERED BUT NOT YET EXPENDED **CONFERENCE** THE FY 2022-2023 CENTER BUDGET; ACCORDANCE WITH CHAPTER 102, LOCAL GOVERNMENT CODE; APPROPRIATING **VARIOUS AMOUNTS** THEREOF: REPEALING CONFLICTING **ORDINANCES** RESOLUTIONS; INCLUDING AND SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

2023-508

CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE FY 2023-2024 GENERAL FUND BUDGET APPROPRIATIONS IN THE AMOUNT OF \$925,445.91 FROM THE GENERAL FUND UNRESERVED FUND BALANCE FOR EXPENDITURES ENCUMBERED BUT NOT YET EXPENDED FROM THE FY 2022-2023 GENERAL FUND BUDGET; 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.

- 2023-509 CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE FY 2023-2024 UTILITY FUND BUDGET APPROPRIATIONS IN THE AMOUNT OF \$1,827,604.23 FROM THE UTILITY FUND UNRESERVED FUND BALANCE FOR EXPENDITURES ENCUMBERED BUT NOT YET EXPENDED FROM THE FY 2022-2023 UTILITY FUND BUDGET; 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.
- 2023-510 CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE FY 2023 2024 GENERAL FUND BUDGET APPROPRIATIONS IN THE AMOUNT OF \$863,704 FROM THE GENERAL FUND UNRESERVED FUND BALANCE FOR EXPENDITURES NOT ENCUMBERED NOR EXPENDED FROM THE FY 2022 2023 GENERAL FUND BUDGET; 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.
- 2023-511 CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE FY 2023 2024 UTILITY FUND BUDGET APPROPRIATIONS IN THE AMOUNT OF \$130,707 FROM THE UTILITY FUND UNRESERVED FUND BALANCE FOR EXPENDITURES NOT ENCUMBERED NOR EXPENDED FROM THE FY 2022 2023 UTILITY FUND BUDGET; 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 Items were presented by Ann Honza. Councilmember Hammonds moved to approve Items 2023-507, 508, 509, 510 and 511 as presented. Motion was seconded by Councilmember Moorman and carried unanimously (6-0).

Council moved to Executive Session at 6:43 p.m. for the purpose of discussing Item 2 with the following present: Councilmembers Moorman, Rodgers, Hammonds, Gardner, and Hartson; City Manager, Assistant City Manager, and City Attorney. Mayor pro tem Wickliffe recused himself from the discussion, citing a conflict of interest.

EXECUTIVE SESSION

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 - FROM A BUSINESS PROSPECT AND/OR (2) TO DELIBERATE THE OFFER OF A FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT GENERALLY LOCATED ALONG THE HIGHWAY 287 BYPASS.

Council reconvened in Regular Session at 6:59 p.m. with no action taken in Executive Session.

REGULAR AGENDA

2023-512 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: LEGAL

Refer to Items 2023-493 and 2023-498 herein.

2023-513 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: ECONOMIC DEVELOPMENT

No action taken following Executive Session.

2023-514 ADJOURN

With there being no further business to discuss, Mayor pro tem Wickliffe adjourned the meeting at 6:59 p.m.

ATTEST:

Tammy Varner, City Secretary

Justin Coffman, Mayor