

**MINUTES OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
TUESDAY, JANUARY 9, 2024**

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:

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|-----------------|---|-----------------------|
| 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, PLEDGES, AND INVOCATION

Pastor Demetrius McClendon gave the invocation and Mayor Coffman led in the pledges.

2024-001 MARTIN LUTHER KING, JR. DAY PROCLAMATION

Mayor Coffman presented the proclamation to Pastor McClendon

**2024-002 PRESENTATION OF A TEXAS RECREATION AND PARK SOCIETY
EXCELLENCE IN PROGRAMMING AWARD TO THE PARKS DEPARTMENT.**

Representatives from the Park Department accepted the award for the 2023 Earth Day event.

2024-003 CITY COUNCIL REPORT ON ITEMS OF COMMUNITY INTEREST.

Councilmembers reported on current events and happenings within the community.

2024-004 CITIZENS TO BE HEARD

Dorian Carra addressed Council regarding water quality. Ken Lundberg introduced himself as a candidate in the election for judge of the 443rd District Court. Shawn Barton addressed Council regarding rental fees for baseball fields at the Community Park. Pat Farrell addressed Council with exterior design suggestions for the proposed shopping center development to be discussed later in this meeting.

CONSENT AGENDA

**2024-005 CONSIDER AND ACT UPON MINUTES FROM THE CITY COUNCIL
MEETING OF DECEMBER 12, 2023.**

**2024-006 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE SPRING
WINE, ARTS & CRAFT BREW FESTIVAL, AN EVENT HOSTED BY THE
MIDLOTHIAN CHAMBER OF COMMERCE, SCHEDULED FOR SATURDAY,
APRIL 6, 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. SEP04-2024)**

2024-007 ~~CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MIDLOTHIAN, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 1 TITLED "GENERAL PROVISIONS" BY AMENDING ARTICLE 1.03 TITLED "BOARDS, COMMISSIONS AND COMMITTEES" BY REPEALING DIVISION 8 TITLED "KEEP MIDLOTHIAN BEAUTIFUL ADVISORY BOARD" IN ITS ENTIRETY, AND RESERVING DIVISION 8, SECTIONS 1.03.251 THROUGH 1.03.280, FOR FUTURE USE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.~~

Councilmember Moorman requested that Item 2024-007 be removed from the Consent Agenda. Mayor pro tem Wickliffe moved to approve the amended Consent Agenda as presented. Motion was seconded by Councilmember Hammonds and carried unanimously (7-0).

2024-007 CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MIDLOTHIAN, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 1 TITLED "GENERAL PROVISIONS" BY AMENDING ARTICLE 1.03 TITLED "BOARDS, COMMISSIONS AND COMMITTEES" BY REPEALING DIVISION 8 TITLED "KEEP MIDLOTHIAN BEAUTIFUL ADVISORY BOARD" IN ITS ENTIRETY, AND RESERVING DIVISION 8, SECTIONS 1.03.251 THROUGH 1.03.280, FOR FUTURE USE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The Item was presented by Clyde Melick. Mayor pro tem Wickliffe moved to approve Item 2024-007 as presented. Motion was seconded by Councilmember Moorman and carried unanimously (7-0).

PUBLIC HEARINGS

2024-008 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 Coffman opened the Public Hearing and Brian Guenzel presented the Item. Midlothian resident, Kris Rolek addressed Council in opposition to the Item. With no further public input received, Councilmember Moorman moved to close the Public Hearing. Motion was seconded by Councilmember Gardner and carried unanimously (7-0). The Applicant, Jeff Bucknam, addressed Council in support. Councilmember Hammonds moved to approve Item 2024-008 as presented, with the following conditions: addition of a right-in, right-out ingress-egress to the 9th Street driveway access; and, the number of parking spaces to be specified in the ordinance as 14. Motion was seconded by Councilmember Hartson and carried unanimously (7-0).

Mayor Coffman leaves the dais for Item 2024-009, citing a conflict of interest.

2024-009 CONTINUE 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) CASE CONTINUED FROM 12/12/2023 CITY COUNCIL MEETING

Mary Elliott presented the Item. Midlothian resident, Debra Markwardt addressed Council in support of the Item. With no further public input received, Councilmember Moorman moved to close the Public Hearing. Motion was seconded by Councilmember Hammonds and carried unanimously (6-0). Councilmember Moorman moved to approve Item 2024-009 as presented, subject to a revision in the tree species from Desert Willow to Cedar Elm. Motion was seconded by Councilmember Rodgers and carried unanimously (6-0).

Mayor Coffman returned to the dais.

2024-010 CONDUCT A PUBLIC HEARING TO CONSIDER AND ACT UPON AN ORDINANCE AMENDING THE USE AND DEVELOPMENT REGULATIONS OF PLANNED DEVELOPMENT NO. 106 TO ALLOW FOR THE CONSTRUCTION OF A NEW DATA CENTER BUILDING AND ACCESSORY STRUCTURES RELATING TO THE BUILDING. THE PROPERTY IS GENERALLY LOCATED AT LOT 1, BLOCK 1, SHARKA MDN ADDITION. LOCATED OFF OF U.S. HIGHWAY 67, BETWEEN RAILPORT PARKWAY AND V.V. JONES ROAD. (CASE NO. Z34-2023-127).

Mayor Coffman opened the Public Hearing and Brian Guenzel presented the Item. With no public input received, Councilmember Gardner moved to close the Public Hearing. Motion was seconded by Mayor pro tem Wickliffe and carried unanimously (7-0). Mayor pro tem Wickliffe moved to approve Item 2024-010 as presented. Motion was seconded by Councilmember Hammonds and carried unanimously (7-0).

2024-011 CONDUCT A PUBLIC HEARING AND CONSIDER AND ACT UPON AN ORDINANCE RELATING TO THE USE AND DEVELOPMENT OF 71.737+ ACRES IN THE J. SHARKEY SURVEY, ABSTRACT NO. 1065, J.T. RAWLS SURVEY, ABSTRACT NO. 933, AND THE W.P. KERR SURVEY, ABSTRACT NO. 609 BY CHANGING THE ZONING FROM PLANNED DEVELOPMENT NO. 94 (PD-94) AND LIGHT INDUSTRIAL (LI) DISTRICT, TO PLANNED DEVELOPMENT DISTRICT NO. 171 (PD-171) FOR COMMUNITY RETAIL (CR) ADOPTING DEVELOPMENT REGULATIONS INCLUDING A CONCEPTUAL SITE PLAN, SIGN ELEVATIONS, OUTDOOR DISPLAY AND STORAGE PLAN, LANDSCAPE PLAN, AND ELEVATION/FAÇADE PLAN. THE PROPERTY IS GENERALLY LOCATED ON THE SOUTH SIDE OF WEST MAIN STREET, EAST OF HIGHWAY 67 AND NORTH OF STATE SPUR 73. (CASE NO. Z24-2023-075).

Mayor Coffman opened the Public Hearing and Mary Elliott presented the Item. With no public input received, Councilmember Gardner moved to close the Public Hearing. Motion was seconded by Mayor pro tem Wickliffe and carried unanimously (7-0). Councilmember Hammonds moved to approve Item 2024-011 with the following ordinance amendments: Section 2 - F(11) – All streets and parking areas will be concrete; Removal of Section 2 - G(3) – Electronic Signs; Section 2 – F (10a) Portions of the Property developed for purposes other than a Large Format Store or Home Improvement Store shall be constructed with no more than 30% of the parking spaces nine (9) feet wide by 18 feet deep located on a two-way drive aisle that is not less than 24 feet wide, where the spaces are perpendicular (90 degrees) in relation to the drive aisle. All remaining parking spaces shall be ten (10) feet wide by 18 feet deep; and, white cornice to be added to the Home Improvement Store façade. Motion was seconded by Mayor pro tem Wickliffe and carried by a vote of 5-2, with Councilmembers Gardner and Hartson voting in opposition.

2024-012 CONDUCT A PUBLIC HEARING AND CONSIDER AND ACT UPON AN ORDINANCE TO CHANGE THE ZONING ON +/-29.001 ACRES AND PRESENTLY ZONED SINGLE FAMILY ONE (SF-1) ZONING DISTRICT BY REZONING SAID PROPERTY TO A NEW PLANNED DEVELOPMENT DISTRICT FOR NONRESIDENTIAL USES. THE PROPERTY IS GENERALLY LOCATED ON U.S. HIGHWAY 67, EAST OF SOUTH WYATT ROAD. (CASE NO. Z28-2023-90)

Mayor Coffman opened the Public Hearing. Councilmember Gardner moved to continue the Public Hearing to the January 23, 2024 meeting. Motion was seconded by Councilmember Moorman and carried unanimously (7-0).

2024-013 CONDUCT A PUBLIC HEARING AND CONSIDER AND ACT UPON AN ORDINANCE FOR A SPECIFIC USE PERMIT (SUP) FOR A “GROUP HOME”, PRESENTLY ZONED SINGLE FAMILY TWO (SF-2) DISTRICT. THE PROPERTY IS LOCATED ON ±.454 ACRES, BEING LOT 4 OF THE FOX RUN ADDITION, COMMONLY KNOWN AS 1710 SAGE DRIVE. (CASE NO. SUP17-2023-98).

The case was withdrawn by the Applicant.

REGULAR AGENDA

2024-014 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. Councilmember Moorman moved to deny Item 2024-014 as presented. Motion was seconded by Councilmember Gardner and failed by a vote of 3-4, with Councilmembers Rodgers, Hammonds, Mayor pro tem Wickliffe and Mayor Coffman voting in opposition. Councilmember Hammonds moved to approve Item 2024-014 as presented. Motion was seconded by Mayor pro tem Wickliffe. Motion carried by a vote of 4-3, with Councilmembers Moorman, Gardner and Hartson voting in opposition.

2024-015 CONSIDER AND ACT UPON AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL IN THE AMOUNT OF \$388,250 FOR DESIGN AND ENGINEERING COSTS ASSOCIATED WITH THE HERITAGE PARK EXPANSION AND DOWNTOWN DESIGN IMPROVEMENTS.

The Item was presented by Heather Dowell. Following discussion, Mayor Coffman moved to table Item 2024-015 to the January 23, 2024 meeting. Motion was seconded by Councilmember Moorman and carried unanimously (7-0).

2024-016 CONSIDER AND ACT UPON A BID AWARD TO TEXAS STANDARD CONSTRUCTION, LTD FOR THE S. 14TH STREET AND HAWKINS RUN ROAD TRAFFIC SIGNAL INSTALLATION PROJECT IN A TOTAL BID AMOUNT OF \$516,952.45, PLUS CONTINGENCY IN THE AMOUNT OF \$25,000, FOR A TOTAL PROJECT AMOUNT NOT TO EXCEED \$541,952.45 AND AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THIS PROJECT.

The Item was presented by Mike Adams. Councilmember Hammonds moved to approve Item 2024-016 as presented. Motion was seconded by Councilmember Gardner and carried unanimously (7-0).

2024-017 CONSIDER AND ACT UPON AUTHORIZING THE CITY MANAGER TO EXECUTE A PIPELINE LICENSE AGREEMENT WITH THE ELLIS COUNTY RURAL RAIL TRANSPORTATION DISTRICT (DISTRICT) FOR THE CITY'S SANITARY SEWER MAIN CROSSING OF THE DISTRICT'S RIGHT-OF-WAY NEAR VV JONES ROAD.

The Item was presented by Mike Adams. Councilmember Hammonds moved to approve Item 2024-017 as presented. Motion was seconded by Mayor pro tem Wickliffe and carried unanimously (7-0).

2024-018 CONSIDER AND ACT UPON AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE MIDLOTHIAN POLICE DEPARTMENT, AND THE JENSEN PROJECT, INC. (TJP), A 501 (C) (3) NONPROFIT TO FUND AN INVESTIGATIVE POSITION WITH THE NORTH TEXAS TRAFFICKING TASK FORCE (NTTTF), AND ALLOW MPD TO BACKFILL THE VACANT INVESTIGATOR POSITION FOR A PERIOD OF THREE YEARS.

The Item was presented by Carl Smith. Mayor pro tem Wickliffe moved to approve Item 2024-018 as presented. Motion was seconded by Councilmember Hammonds and carried unanimously (7-0).

2024-019 CONSIDER AND ACT UPON AUTHORIZING THE MIDLOTHIAN POLICE DEPARTMENT TO INCREASE THE EMPLOYEE COUNT ALLOWING THE BACKFILL OF A POLICE SERGEANT POSITION TO REPLACE THE SERGEANT ASSIGNED TO THE TRI-COUNTY AUTO THEFT TASK FORCE FOR FY 2023-2024 PER THE INTERLOCAL AGREEMENT.

The Item was presented by Carl Smith. Councilmember Moorman moved to approve Item 2024-019 as presented. Motion was seconded by Councilmember Hammonds and carried unanimously (7-0).

2024-020 CONSIDER AND ACT UPON A REQUEST TO INCREASE MIDLOTHIAN POLICE DEPARTMENT FULLTIME EMPLOYEE COUNT TO INCLUDE AN ADDITIONAL FULLTIME PEACE OFFICER POSITION FOR THE CRISIS INTERVENTION UNIT PROGRAM WITH FUNDING FROM JAG AWARD # 4800-701.

The Item was presented by Carl Smith. Councilmember Hammonds moved to approve Item 2024-020 as presented. Motion was seconded by Councilmember Moorman and carried unanimously (7-0).

2024-021 CONSIDER AND ACT UPON A REQUEST TO INCREASE THE MIDLOTHIAN POLICE DEPARTMENT PART-TIME EMPLOYEE COUNT TO INCLUDE AN ADDITIONAL CRIME VICTIMS ADVOCATE POSITION WITH FUNDING FROM THE GENERAL VICTIM ASSISTANCE GRANT PROGRAM VICTIMS OF CRIME ACT (VOCA) (APPLICATION 4712401, FY 2023-2024).

The Item was presented by Carl Smith. Councilmember Gardner moved to approve Item 2024-021 as presented. Motion was seconded by Councilmember Hartson and carried unanimously (7-0).

Council moved to Executive Session at 10:23 p.m. for the purpose of discussing Items 2, 3, 4, and 5 with the following present: Mayor Coffman, Mayor pro tem Wickliffe, Councilmembers Moorman, Rodgers, Hammonds, Gardner, and Hartson; City Manager, Assistant City Manager, and City Attorney. Kyle Kinateder present for Item #4. Mayor pro tem Wickliffe recused himself from discussion on Executive Session Item #2; Councilmember Gardner recused himself from discussion on Executive Session Item #4, both citing conflicts of interest.

EXECUTIVE SESSION

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 LOCATED WITHIN THE CITY LIMITS OF MIDLOTHIAN, TEXAS.
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 – GENERALLY LOCATED ALONG THE HIGHWAY 287 BYPASS.
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 2401
5. SECTION 551.071(2) LEGAL: CONSULTATION WITH CITY ATTORNEY REGARDING THE PROVISION OF SERVICES IN THE CITY'S CCN.

Council reconvened in Regular Session at 11:10 p.m. with no action taken in Executive Session.

REGULAR AGENDA

2024-022 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: LEGAL

The Item was not discussed.

2024-023 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: REAL ESTATE

No action taken following Executive Session.

2024-024 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: ECONOMIC DEVELOPMENT

No action taken following Executive Session.

2024-025 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: ECONOMIC DEVELOPMENT

No action taken following Executive Session.

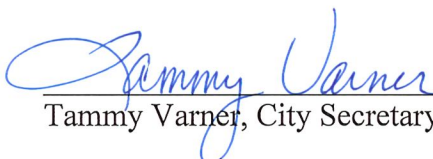
2024-026 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5: LEGAL

No action taken following Executive Session.


2024-027 ADJOURN

With there being no further business to discuss, Mayor Coffman adjourned the meeting at 11:10 p.m.

ATTEST:



Tammy Varner, City Secretary



Justin Coffman, Mayor