

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
TUESDAY, DECEMBER 10, 2019**

Pursuant to the provisions of Chapter 551 VTCA Government Code, notice is hereby given of a Regular Meeting of the Midlothian City Council, to be held in the City Council Chambers at Midlothian City Hall, 104 West Avenue E, Midlothian, Texas

REGULAR AGENDA 6:00 p.m.

Call to Order, Invocation and Pledge of Allegiance

- 2019-426 Recognition of Midlothian Downtown Business Association Scarecrow Contest winners.
- 2019-427 Citizens to be heard - *The City Council invites citizens to address the Council on any topic not already scheduled for a Public Hearing. Citizens wishing to speak should complete a "Citizen Participation Form" and present it to the City Secretary prior to the meeting. Speakers are limited to 3 minutes. In accordance with the Texas Open meetings Act, the City Council cannot take action on items not listed on the agenda. However, your concerns may be addressed by City Staff, placed on a future agenda, or responded to by some other course.*

CONSENT AGENDA

All matters listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion without separate discussion. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- 2019-428 Consider and act upon minutes from the City Council meetings of November 7-8, 12 and December 3, 2019.
- 2019-429 Consider and act upon a resolution authorizing the Cupid Shuffle 5K, an event hosted by the Reach Council of Ellis County, scheduled for Saturday, February 8, 2020, 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. SEP07-2020)
- 2019-430 Consider and act upon a resolution authorizing the 2020 City of Midlothian Special Events hosted by the City of Midlothian Parks & Recreation Department, in the calendar year 2020, 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. SEP06-2020)

PUBLIC HEARINGS

- 2019-431 **WITHDRAWN BY APPLICANT** - Conduct a public hearing and consider and act upon an ordinance changing the zoning of 9.936± acres out of the Coleman Jenkins Survey, Abstract No. 1555, described in Exhibit "A" hereto from Agricultural (A) District and Light Industrial (LI) District to Planned Development District No. 125 (PD-125) for Commercial (C) uses; adopting development and use regulations for PD-125 granting a Specific Use Permit for mini warehouse storage (self-storage) uses. The property is located between U.S. Hwy 287 and Shady Grove Road (3232 E Highway 287) (Case No. Z30-2018-185).
- 2019-432 Conduct a public hearing and consider and act upon an ordinance changing the zoning of Lots 5, 6 & 7, Block 22, Original Town, from Commercial (C) District to Urban Village Planned Development District No. 124 (UVPD-124), for single-family residential uses. The property is located at 111 S. 7th Street (Case No. Z29-2019-183).

- 2019-433 Conduct a public hearing and consider and act upon an ordinance granting a Specific Use Permit (SUP) for a Motor Vehicle Repair Garage (Major), located on Lots 7, 8 and 9, Block B, Proffitt Industrial Park (commonly known as 555 Murray Street and 1301 East Main Street), presently zoned Light Industrial (LI) District (Case No. SUP26-2019-184).
- 2019-434 Conduct a public hearing and consider and act upon an ordinance amending the development and use regulations of Planned Development District No. 100 (PD-100) as set forth in Section 2 of Ordinance No. 2018-41 by amending certain development regulations and the site plan, landscape plan, and elevations. Said property is generally located 900 feet north of McAlpin Road and to the east of FM 663 (Case No. Z31-2019-186).
- 2019-435 Conduct a public hearing and consider and act upon an ordinance to change the zoning from Agricultural (A) District to a Planned Development District for residential uses, being 66.743± acres out of the Moses Davis Survey, Abstract No. 278. The property is located east of McAlpin Road between FM 875 and Shale Street (Case No. Z32-2019-192).
- 2019-436 Conduct a public hearing and consider and act upon an ordinance amending the City of Midlothian Zoning Ordinance by adding a new use titled “Massage Establishment” to section 2.04 “Use Tables”, Subsection (g) “Retail and Service Types” to be permitted by right in certain zoning districts; amending Section 100 “definitions” by adding a new definition for “Massage Establishment” (Case No. OZ23-2019-188).
- 2019-437 Conduct a public hearing and consider and act upon an ordinance amending the City of Midlothian Comprehensive Plan and Thoroughfare Map by changing the thoroughfare designation of Eastgate Road, Dividend Road, and Sand Road, in Eastgate Industrial Park from major collector to a minor collector; by changing the thoroughfare designation of Miller Road from its intersection with U.S. Highway 67 to the City of Midlothian limits (proposed) from major arterial to minor arterial; changing the thoroughfare designation of the proposed Presidential Parkway from its intersection with Eastgate Road to its intersection with the future extension of Summer Grove Drive from a major collector to a minor collector; and by adding a footnote to the Thoroughfare Plan in relation to a “Proposed Interchange” (Case No. OZ22-2019-187).

REGULAR AGENDA

- 2019-438 Consider and act upon a request for a special exception from the standard construction details in accordance with Section 6.16(1) of the Subdivision Ordinance for an existing non-concrete paved driveway located at 211 Ashford Lane. The property contains .97± acres of land situated on Lot 1, Block A, of Crouch Place (Case No. M43-2019-180).
- 2019-439 Consider and act upon the purchase of a 2019 Generac Industrial Stationary Generator from Clifford Power Systems, utilizing the BuyBoard Purchasing Cooperative, Contract #515-16 in amount not to exceed \$75,455.00.
- 2019-440 Consider and act upon an amendment to the agreement with Swagit Productions, LLC to expand the number of available meeting recordings from 25 (Package 1) to 50 (Package 2) for an adjustment from \$11,940.00/year to \$17,340.00/year.
- 2019-441 Consider and act upon a resolution authorizing a grant in the amount of \$23,463.19 be awarded by the Midlothian Community Development Corporation (MCDC or 4B) to Midlothian Downtown Business Association to fund the painting of a historic mural and installation of lights on property located at 211 West Avenue F, Midlothian, Texas.

- 2019-442 Consider and act upon a resolution approving a grant in the amount of \$42,000 to be awarded by the Midlothian Community Development Corporation (MCDC or 4B) to the City of Midlothian to fund a Kitchen Manager position at the Midlothian Senior Citizens Center.
- 2019-443 Consider and act upon a resolution approving a grant in the amount of \$60,000 to be awarded by the Midlothian Community Development Corporation (MCDC or 4B) to the City of Midlothian to assist with funding the Midlothian Senior Citizens Center operations.
- 2019-444 Consider and act upon the purchase of software and sirens to increase the effectiveness of the current outdoor warning siren system at a cost of \$122,540.
- 2019-445 Consider and act upon awarding a contract to Evoqua Water Technologies, LLC (Evoqua) for the purchase of bulk sodium chlorite 25% chemicals for use at the City's Water Treatment Plants.
- 2019-446 Consider and act upon an ordinance amending the FY 2019-2020 General Fund budget appropriations in the amount of \$508,389 from the General Fund unreserved fund balance for expenditures not encumbered nor expended from the FY 2018-2019 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.
- 2019-447 Consider and act upon an ordinance amending the FY 2019-2020 Utility Fund budget appropriations in the amount of \$2,747,317 from the Utility Fund unreserved fund balance for expenditures not encumbered nor expended from the FY 2018-2019 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.
- 2019-448 Consider and act upon an ordinance amending the FY 2019-2020 General Fund budget appropriations in the amount of \$676,759.39 from the General fund unreserved fund balance for expenditures encumbered but not yet expended from the FY 2018-2019 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.
- 2019-449 Consider and act upon an ordinance amending the FY 2019-2020 Utility Fund budget appropriations in the amount of \$1,898,364.21 from the Utility Fund unreserved fund balance for expenditures encumbered but not yet expended from the FY 2018-2019 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.
- 2019-450 Consider and act upon an ordinance amending the FY 2019-2020 Conference Center budget appropriations in the amount of \$4,094.92 from the Conference Center unreserved fund balance for expenditures encumbered but not yet expended from the FY 2018-2019 Conference Center 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.

- 2019-451 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 amending Division 5 titled "Planning and Zoning Commission" by amending Section 1.03.154 titled "Rules and Procedures" by amending Subsection (b)(2) titled "Regular Meetings" to omit the 7:00 p.m. meeting time; providing a repealing clause; providing a severability clause; and providing for an effective date.
- 2019-452 Consider and act upon appointments to the various City boards and commissions including A.H. Meadows Library Board, Mid-Way Regional Airport Board, Historic Advisory Board, Keep Midlothian Beautiful Advisory Board, Midlothian Community Development Corporation, Midlothian Development Authority, Midlothian Economic Development, Planning and Zoning Commission, Park Board, Utility Advisory Board, and Zoning Board of Adjustment.
- 2019-453 Consider and act upon a resolution authorizing the City Manager to accept, reject, alter or terminate an OOG Grant Application #2461001 to assist to employ a part-time Crime Victims Witness Advocate
- 2019-454 Consider and act upon a resolution authorizing the City Manager to accept, reject, alter or terminate a State Homeland Security Grant for Night Vision Goggles

EXECUTIVE SESSION

The City Council will convene into executive session pursuant to the following sections of the Texas Government Code. Executive Session items are discussed in closed session but any and all action is taken in regular open session.

1. Section 551.071(2) Legal: Consultation with City Attorney on any agenda item listed herein.

REGULAR AGENDA

- 2019-455 Action resulting from Executive Session, Item #1: Legal
- 2019-456 Adjourn

I, Mary McDonald, Deputy City Secretary of the City of Midlothian, Texas, do hereby certify that this Notice of Meeting was posted on the front window of City Hall, 104 West Avenue E, Midlothian, Texas, at a place readily accessible to the general public at all times, no later than the 6th day of December, 2019 at or before 6:00 p.m.


Mary McDonald, Deputy City Secretary

**This facility is wheelchair accessible and accessible parking spaces are available.
Requests for reasonable accommodations must be made 48 hours prior to this meeting.
Please contact the City Secretary at 775-3481 for further information.**