

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS  
TUESDAY, APRIL 23, 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
- 2019-127 Recognition of Kids Fishing Derby winners
- 2019-128 Citizens to be heard

**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.*

- 2019-129 Consider and act upon minutes from the City Council meeting of April 9, 2019.
- 2019-130 Consider and act upon a resolution authorizing Jazz under the Stars outdoor concerts hosted by the Midlothian Independent School District (MISD) Jazz Bands scheduled for Fridays, May 3 and May 17, 2019, in accordance with zoning requirements for Special Events as established by the City of Midlothian Zoning Ordinance 2013-24 as amended, Section 2.04 (Use Table) (Case No. SEP15-2019)
- 2019-131 Consider and act upon a resolution authorizing the 13th Annual Brandon Palady 4v4 Tournament, a soccer fundraising tournament hosted by the Midlothian Soccer Association and the Brandon Palady Foundation, scheduled for Saturday, June 15, 2019, in accordance with a Special Event Permit as established by the City of Midlothian Zoning Ordinance No. 2013-24, as amended, Section 2.04 (Use Table) (Case No. SEP16-2019).
- 2019-132 Consider and act upon a resolution finding that Oncor Electric Delivery Company LLC's application for approval to amend its distribution cost recovery factor pursuant to 16 Tex. Admin. Code § 25.243 to increase distribution rates within the city should be denied; finding that the city's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel.

**PUBLIC HEARINGS**

- 2019-133 Conduct a public hearing and consider and act upon an ordinance for a Specific Use Permit (SUP) for a contractor's shop on 1.191± acres, situated on Lot 5 of Roark Addition. Located at 222 Henderson Street (Case No. SUP08-2019-83).
- 2019-134 Conduct a public hearing and consider and act upon an ordinance amending the City of Midlothian Zoning Ordinance, by adding Sections 5.501- 5.504 titled "Conservation District" and creating development regulations pertaining to the "Conservation District". (Case No. OZ04-2019-42).

## REGULAR AGENDA

- 2019-135 Consider and act upon a request for a Special Exception from the masonry requirements in accordance with Section 4.5504(b) of the Zoning Ordinance for an existing non-residential building. Being ± 0.238 acres of land situated in Lot 6-8, Block 10 of Valley Estates, located at 313 N. 9th Street (Case No. M23-2019-85).
- 2019-136 Consider and act upon a Development Agreement between Massey Meadows, L.L.C. and the City of Midlothian, Texas for participation in the construction of infrastructure and site improvements for an approximate ±130.546-acre single family development referred to as Massey Meadows Development (PD 98).
- 2019-137 Consider and act upon authorizing the City Manager to execute Amendment #2 to a Pass-Through Agreement for Payment of Pass-Through Tolls by the Texas Department of Transportation for the reconstruction and widening of the existing bridge at FM 663 and the U.S. Highway 287 Bypass.
- 2019-138 Consider and act upon authorizing the City Manager to execute Amendment #1 to a Pass-Through Agreement for Payment of Pass-Through Tolls by the Texas Department of Transportation for the construction of a grade separated interchange at U.S. Highway 67 and RailPort Parkway/Miller Road.
- 2019-139 Consider and act upon an ordinance amending the Code of Ordinances by amending Chapter 13 titled “Utilities” by adding a new Article 13.11 titled “Landscape and Lawn Irrigation Conservation” setting forth regulations for landscape and lawn irrigation conservation measures; providing a repealing clause; providing a severability clause; providing a savings clause; providing for a penalty of fine not to exceed two thousand dollars (\$2,000) per violation; and providing for an effective date.
- 2019-140 Consider and act upon authorizing the City Manager to execute an Agreement for Public Works Construction Services with Circle H Contractors, LP for the Old Town - Phase 1 Water and Sanitary Sewer Line Improvements Project in a base bid amount of \$315,922.50 plus 15% contingency, for a total not to exceed amount of \$363,310.88.
- 2019-141 Consider and act upon authorizing the City Manager to execute an amendment to the agreement between the City of Midlothian and Steele & Freeman Incorporated to establish the Guaranteed Maximum Price (GMP) for construction costs related to the construction of Fire Station 1 at \$7,243,465.
- 2019-142 Consider and act upon Change Order No. 1 for the construction of the structural foundation for the fire training simulator building with GAW Construction Services, LLC in an additive amount of \$20,000, resulting in a revised contract amount of \$141,384.
- 2019-143 Consider and act upon a resolution consenting to the amendment of Chapter 3952 of the Texas Special District Law Code, which created the Midlothian Municipal Management District No. 3, to amend Section 3952.305 relating to ad valorem taxes, and containing findings and provisions relating to the subject.
- 2019-144 Consider and act upon an ordinance amending the City of Midlothian Code of Ordinances, Chapter 3 “Building Regulations”, Article 3.16 “Mailboxes”; Section 3.16.002 “Definitions” by amending the definition of “Cluster-Style Mailbox Assembly”; and amending subsection (h) of Section 3.16.003 “Placement of Mailbox Assemblies” providing for the regulation of the design and location of mailboxes (OZ10-2019-84).

- 2019-145 Consider and act upon an ordinance amending the Code of Ordinances by amending Chapter 1 titled “General Provisions” by amending Article 1.03 titled “Boards, Commissions and Committees” by adding a new Division 8 titled “Keep Midlothian Beautiful Advisory Board” to set forth requirements for a Keep Midlothian Beautiful Advisory Board; providing a severability clause; and providing for an effective date.
- 2019-146 Consider and act upon awarding the banking services contract to Wells Fargo Bank, and authorize the City Manager to enter into a five year agreement.
- 2019-147 Consider and act upon adoption of the FY 2019-2024 Strategic Plan as a planning document for the City of Midlothian to include personnel and capital equipment for the General Fund, Utility Fund, Conference Center and Senior Citizen Center.

### 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.
2. Section 551.072 Real Estate: Deliberation regarding real property - to deliberate the sale, exchange, or value of real property – North 5th Street Lots 9 & 10, Block 25 Original Town (Property ID 193655)

### REGULAR AGENDA

- 2019-148 Action resulting from Executive Session, Item #1: Legal
- 2019-149 Action resulting from Executive Session, Item #2: Real Estate
- 2019-150 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 19<sup>th</sup> day of April, 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.**