

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS  
TUESDAY, SEPTEMBER 8, 2020**

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

**Although our City Council meetings are open to the public, space is limited and citizens are encouraged to watch the meetings online ([www.midlothian.tx.us/watchlive](http://www.midlothian.tx.us/watchlive)) rather than in person due to concerns related to the spread of COVID-19. Citizens attending in person are asked to maintain a distance of at least six (6) feet from other members of the public, City Council and City staff. Citizens not attending in person, but wishing to address the City Council, may submit comments on any topic or agenda item electronically by utilizing the Citizen Participation Form on our website at [www.midlothian.tx.us/Participate](http://www.midlothian.tx.us/Participate). All forms must be received by 5:00 p.m. on the date of the meeting and will be provided for the record.**

**REGULAR AGENDA 6:00 p.m.**

Call to Order, Invocation, Recital of the Preamble to the U.S. Constitution, and Pledge of Allegiance  
2020-312 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**

2020-313 Consider and act upon minutes from the City Council meetings of August 25 and September 1, 2020.  
2020-314 Consider and act upon an Ellis Countywide Radio System (ECRS) User Agreement between the City of Midlothian and the City of Ovilla to enable them to participate in the ECRS and reimburse Midlothian for their portion of the operation and maintenance of the expanded public safety radio system.  
2020-315 Consider and act upon an Ellis Countywide Radio System (ECRS) User Agreement between the City of Midlothian and the Red Oak Independent School District to enable them to participate in the ECRS and reimburse Midlothian for their portion of the operation and maintenance of the expanded public safety radio system.  
2020-316 Consider and act upon an ordinance approving the negotiated rate settlement with Atmos resolving the 2020 Rate Review Mechanism ("RRM") filing, and implementing the change.

**PUBLIC HEARINGS**

2020-317 Conduct a public hearing and consider and act upon an ordinance for a Specific Use Permit for an additional building wall sign on Lot 4R, Block A, Green Hollow (commonly known as 621 Highlander Avenue), presently zoned Planned Development District No. 36 (PD-36) (Case No. SUP09-2020-101).  
2020-318 Conduct a public hearing and consider and act upon an ordinance granting a Specific Use Permit (SUP) for a secondary dwelling unit on Lot 46, Block C, Crystal Forrest Estates Phase V (commonly known as 3240 Katy Kourt East), presently zoned Single-Family One (SF-1) District (Case No. SUP10-2020-102).

- 2020-319 Conduct a public hearing to consider and act upon an ordinance relating to the use and development of .132+/- acres being Lot 1, Block 2 of the Hales Addition (more commonly known as 323 South 9th Street), by changing the zoning from Residential Three (R-3) District to an Urban Village Planned Development District (UVPD) to allow for professional and/or medical office uses (Case No. Z29-2020-109).
- 2020-320 Conduct a public hearing and consider and act upon an ordinance relating to the use and development of 33.445± acres out of the Granville Kirk Survey Abstract No. 604, described in Exhibit "A" hereto, by changing the zoning from Agricultural (A) District to Planned Development District No. 134 (PD-134) for residential uses. The property is located on the south side of Mockingbird Lane, between Pheasant Drive and Abbey Court approximately 3,000 feet west of Walnut Grove Road (Case No. Z28-2020-108).
- 2020-321 Conduct a public hearing to consider and act upon an ordinance amending and restating the development and use regulations of Planned Development District No. 118 (PD-118) as set forth in section 2 of Ordinance No. 2020-07 and inclusive of all exhibits. The property is located at the south west corner of South 14th Street and Mt. Zion Road (Case No. Z26-2020-106).
- 2020-322 Conduct a public hearing to consider and act upon an ordinance designating a certain area as a reinvestment zone for commercial-industrial tax abatement in the City of Midlothian, Texas to be known as the Midlothian Technology Commercial-Industrial Tax Abatement Reinvestment Zone Number 15; comprised of 70.537 acres, being, all of Lot 2, Block A, Midlothian Business Park, an addition to the City of Midlothian, Texas according to the plat recorded in Cabinet K, Slide 165, of the Plat Records of Ellis County, Texas; establishing the boundaries thereof; and providing for an effective date.
- 2020-323 Conduct a public hearing regarding the proposed FY 2020-2021 Annual Operating Budgets for the City of Midlothian.
- 2020-324 Conduct a public hearing regarding the proposed FY 2020-2021 tax rate, and schedule and announce the date, time and place of the meeting to adopt the tax rate.

**REGULAR AGENDA**

- 2020-325 Consider and act upon an ordinance, by record vote to adopt the FY 2020-2021 Annual Operating Budget and plan for municipal services for the ensuing fiscal year beginning October 1, 2020 and ending September 30, 2021, in accordance with Local Government Code §102; appropriating money to a Sinking Fund to pay interest and principal on the City's indebtedness; appropriating the various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause and establishing an effective date
- 2020-326 Consider and act upon an ordinance, by record vote of the City Council of the City of Midlothian, Texas, levying and assessing municipal ad valorem taxes for the City of Midlothian, for the fiscal year 2020-2021, at \$0.373975 for Maintenance and Operations and \$0.301025 for Interest and Sinking Funds, for a total of \$0.675000, specifically for the purpose for which said taxes may be expended and directing the assessment and collection thereof; repealing conflicting ordinances and resolutions; including a severability clause and establishing an effective date.
- 2020-327 Consider and take a separate vote to ratify a property tax revenue increase as reflected in the FY 2020-2021 Annual Operating Budget when compared to the FY 2019-2020 Annual Operating Budget; this budget will raise more total property taxes than last year's budget by \$3,497,254 which is an 12.4% increase from last year's budget and, of that amount, \$2,983,248 is tax revenue to be raised from new property added to the tax roll this year.
- 2020-328 Consider and act upon a resolution authorizing the execution of the City of Midlothian Tax Abatement Agreement with Earth Root Holdings LLC.

- 2020-329 Consider and act upon a recommendation from Midlothian Economic Development to approve an Economic Development Performance Agreement with Earth Root Holdings LLC and to provide a possible incentive equal to 50% of the purchase price for a project related to the creation or retention of primary jobs.
- 2020-330 Consider and act upon a Right of Use License and Hold Harmless Agreement to allow for encroachment of approximately ±361 square feet along Avenue K; for on-street parking. The proposed encroachment is approximately ±105 feet west of the 9th Street and Avenue K intersection (Case No. M16-2020-112).
- 2020-331 Consider and act upon resolutions authorizing Special Event Permits for the Methodist Midlothian Grand Opening and the Creekside Manor Haunted House and review and discuss the remaining 2020 City special events in relation to COVID-19 protocols and provide direction to staff.
- 2020-332 Consider and act upon a resolution authorizing a grant in the amount of \$343,764.47 be awarded by the Midlothian Community Development Corporation (MCDC or 4B) to the City of Midlothian Parks Department. The grant will fund two beautification projects, Midlothian Parkway and the Four Corners Project on the corner of Business 287 and US 67 to include landscape beds, trees and irrigation.
- 2020-333 Consider and act upon awarding a contract to Rightway Lawn & Tree Maintenance, LLC for Midlothian Parkway Landscape & Irrigation installation in the amount of \$269,732.73 with an additional amount of \$13,486.64 for contingency.
- 2020-334 Consider and act upon awarding a contract to Earthtones Landscaping for Four Corner's at US Highway 67 & Business 287 for landscape & irrigation installation in the amount of \$51,162.00 with an additional amount of \$9,383.10 for contingency and to allow for the TxDOT bore which was not included in the pricing.

#### 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

- 2020-335 Action resulting from Executive Session, Item #1: Legal
- 2020-336 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 4<sup>th</sup> day of September, 2020 at or before 6pm.

  
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.**