

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
TUESDAY, DECEMBER 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) 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. All forms must be received by 3:00 p.m. on the date of the meeting and will be provided for the record.

REGULAR AGENDA 4:00 p.m.

Call to Order, Invocation, Pledge of Allegiance and the Preamble to the U.S. Constitution.

“We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”

2020-430 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.

2020-431 Consider and act upon minutes from the City Council meetings of November 10 and December 1, 2020 and the Citizens Planning Group meeting of November 5, 2020.

2020-432 Consider and act upon authorizing the Parks and Recreation Department to enact the Legacy Tree and Bench Program.

PUBLIC HEARINGS 6:00 p.m.

2020-433 Conduct a public hearing and consider and act upon an ordinance relating to the use and development of ±9.74 acres, being a tract of land in the M. Brenan Survey, Abstract No. 43, by changing the zoning from Agricultural (A) District to a Planned Development (PD) District for single-family residential uses. The property is generally located at 1120 Apple Lane (Case No. Z02-2021-11).

- 2020-434 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 a ±16.199-acre tract of land on Lot 1, Block 1 of The Mark on Walter Stephenson (commonly known as 999 Walter Stephenson Road), located in Planned Development District No. 42 (PD-42) (Case No. SUP03-2021-05).
- 2020-435 Conduct a public hearing and consider and act upon an ordinance amending the use and development regulations of Planned Development District No. 98 (PD-98) by reapportioning the amount of open space, common area, residential acreage, and adopting a new site plan. Property is generally located on the northeast corner of Walnut Grove and FM 1387 (Case No. Z35-2020-142).
- 2020-436 Conduct a public hearing to consider and act upon an ordinance amending the City of Midlothian zoning ordinance and zoning map relating to the use and development of property described as Lot 12R, Mission Hill, Phase One, and 3.542± acres situated in the John H. Jones Survey, Abstract No. 586, described in exhibit “A” hereto located at 2041 McAlpin Road and in an Agricultural (A) District, by granting a Specific Use Permit (SUP) for an animal (canine) training facility and adopting development conditions (SUP04-2021-06).
- 2020-437 Conduct a public hearing and consider and act upon an ordinance changing the zoning of ±.7214 acres of land, being lot 3RR, Roark Addition, City of Midlothian, Ellis County, from Community Retail (CR) District to Commercial (C) District. The property is located at 1507 North U.S. Highway 67 (Case No. Z01-2021-03).
- 2020-438 Conduct a public hearing and consider and act upon an ordinance for a Specific Use Permit (SUP) to allow for a Veterinary/Small Animal Clinic (no outside pens) and/or animal emergency room relating to the use and development of ±.7214 acres of land, being lot 3RR, Roark Addition, City of Midlothian, Ellis County, and presently zoned Community Retail (CR) District (*or Commercial (C) if prior case is approved*) to be used for non-residential uses. The property is located at 1507 North U.S. Highway 67 (Case No. SUP01-2021-02).
- 2020-439 Conduct a public hearing and consider and act upon an ordinance for a Specific Use Permit (SUP) for a restaurant (over 1,000 square feet in size), relating to the use and development of ±.079 acres of land located on Lot 10, Block 12, Section 6, Original Town Addition (commonly known as 138 North 8th Street), and presently zoned Central Business District (CBD) (Case No. SUP02-2021-04).

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- 2020-440 Consider and act upon appointments to the various City boards and commissions including Mid-Way Regional Airport Board, Midlothian Community Development Corporation, Midlothian Development Authority, Planning and Zoning Commission, Utility Advisory Board, and Keep Midlothian Beautiful Advisory Board.
- 2020-441 Consider and act upon rejecting the bids received for the Re-Development of the 1965 Fire Station located at 235 North 8th Street, Midlothian, TX.
- 2020-442 Consider and act upon a resolution authorizing a grant in the amount of \$500,000 be awarded by the Midlothian Community Development Corporation (MCDC or 4B) to the Midlothian Historic Gymnasium Project, Inc., a non-profit corporation, (the “Corporation”) for the renovation of the Midlothian gymnasium located at 700 W. Avenue H.
- 2020-443 Consider and act upon a Contingent Purchase Option Agreement with Midlothian ISD for the Midlothian Historic Gym.

- 2020-444 Consider and act upon an ordinance amending the FY 2020-2021 General Fund budget appropriations in the amount of \$956,922.56 from the General fund unreserved fund balance for expenditures encumbered but not yet expended from the FY 2019-2020 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.
- 2020-445 Consider and act upon an ordinance amending the FY 2020-2021 Utility Fund budget appropriations in the amount of \$1,653,691.13 from the Utility Fund unreserved fund balance for expenditures encumbered but not yet expended from the FY 2019-2020 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.
- 2020-446 Consider and act upon an ordinance amending the FY 2020-2021 General Fund budget appropriations in the amount of \$461,689 from the General Fund unreserved fund balance for expenditures not encumbered nor expended from the FY 2019-2020 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.
- 2020-447 Consider and act upon an ordinance amending the FY 2020-2021 Utility Fund budget appropriations in the amount of \$685,526 from the Utility Fund unreserved fund balance for expenditures not encumbered nor expended from the FY 2019-2020 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.
- 2020-448 Consider and act upon an agreement with Certain Underwriters at Lloyd's, London (a Non-Admitted Carrier) to provide Wind/Hail Deductible Buyback Property Coverages for the City of Midlothian effective December 8, 2020 with a common expiration for other insurance policies of October 1, 2021, for \$58,800.00 for ten months.
- 2020-449 Consider and act upon an Agreement for Professional Services with Kimley-Horn and Associates, Inc. for the evaluation of the Inflow and Infiltration (I&I) of the existing sanitary sewer system, in the not to exceed amount of \$100,000.
- 2020-450 Consider and act upon an agreement with Insituform Technologies, Inc. (Insituform) of Corinth, Texas for manhole rehabilitation services at N. Hwy 67 Service Road, FM 663 & Ashford Lane to Lawson Farms Lift Station, and the Trunk Line from Cotton Creek to Loves Truck Stop utilizing the BuyBoard Purchasing Cooperative, #555-18, in an amount not to exceed \$124,992.40.
- 2020-451 Consider and act upon an Agreement for Professional Services with Freese and Nichols, Inc., to prepare an update of the City's Impact Fee Study (Water, Wastewater and Roadway Facilities) in an amount not to exceed \$140,000.
- 2020-452 Consider and act upon a quotation from Dupont Water Solutions for the replacement of membrane modules at the Auger Water Treatment Plant in an amount not to exceed \$315,000.
- 2020-453 Consider and act upon awarding a two-year contract with three, one-year extension options to Bound Tree Medical, LLC (Bound Tree) with an alternate contract to Life-Assist, Inc. (Life-Assist) to provide EMS Fire Dept Medical Supplies for the City of Midlothian effective January 1, 2021.
- 2020-454 Consider and act upon a recommendation from Midlothian Economic Development to approve a Real Estate Purchase Option Agreement with Desert Willow Energy Storage, LLC for Lot 4 Block A of the Midlothian Business Park plat and immediate adjacent area.

2020-455 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

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 purchase, exchange, lease or value of real property. Walnut Grove Road Right-of-Way.
3. Section 551.072 Real Estate: Deliberation regarding real property – to deliberate the purchase, exchange, lease or value of real property by MED in Midlothian Business Park where deliberation in open session will have a detrimental effect on the position of negotiations with third parties. Project 2010
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: 2012

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- 2020-456 Action resulting from Executive Session, Item #1: Legal
2020-457 Action resulting from Executive Session, Item #2: Real Estate
2020-458 Action resulting from Executive Session, Item #3: Real Estate
2020-459 Action resulting from Executive Session, Item #4: Economic Development
2020-460 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 4th day of December, 2020 at or before 4pm.


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.