

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS  
TUESDAY, NOVEMBER 12, 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

2019-396 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.*

2019-397 Consider and act upon minutes from the City Council meeting of October 22, 2019.

2019-398 Consider and act upon a resolution authorizing the Ellis County Toy Run (motorcycle parade), an annual event hosted by the Gryphon Motorcycle Club of Ellis County, scheduled for Sunday, December 8, 2019, in accordance with a Special Event Permit as established by the City of Midlothian Zoning Ordinance 2013-24, as amended, Section 2.04 (Case No. SEP05-2020)

**PUBLIC HEARINGS**

2019-399 Conduct a public hearing and consider and act upon an ordinance for a Specific Use Permit (SUP) for a Water Well on a 123.248± acre tract of land out of the J.T. Loper Survey, Abstract No. 1366, Ellis County, Texas (commonly known as Azalea Hollow Subdivision) that is presently zoned Planned Development District No. 117 (PD-117) (Case No. SUP21-2019-160).

2019-400 Conduct a public hearing and consider and act upon an ordinance amending the development standards of Planned Development District No. 117 (PD-117), relating to additional amenities and site plan as adopted by Ordinance No. 2018-78. The property is generally located approximately 445 feet north of Montgomery Road and on the west side of Joe Wilson Road (Case No. Z25-2019-161).

2019-401 Conduct a public hearing and consider and act upon an ordinance granting a Specific Use Permit (SUP) for a daycare relating to the use and development of Lot 1, Block A, Creekside Church of Christ Addition, (Commonly known as 5401 East U.S Highway 287) and presently zoned Agricultural (A) District (Case No. SUP22-2019-168).

- 2019-402 Conduct a public hearing and consider and act upon an ordinance for a Specific Use Permit (SUP) authorizing property currently zoned Light Industrial (LI) District to be used for a restaurant over 1,000 square feet. The property is located directly to the north of East Main Street, between Midlothian Parkway and George Hopper Road/Murray Street (Case No. SUP23-2019-169).
- 2019-403 Conduct a public hearing and consider and act upon an ordinance changing the zoning of 15.224± acres out of the W. Hawkins Survey, Abstract No. 465, from Light Industrial (LI) District to Planned Development District No. 123 (PD-123) for Light Industrial (LI) uses. The property is generally located to the north of East Main Street, between Midlothian Parkway and George Hopper Road/ Murray Street being approximately 600 feet west of Midlothian Parkway (Z23-2019-145).
- 2019-404 Conduct a public hearing and consider and act upon an ordinance amending the City of Midlothian zoning ordinance and zoning map relating to Block 59, Original Town Midlothian Section 3, (commonly known as Kimmel Park) and presently zoned Residential Three District (R-3), by granting a Specific Use Permit (SUP) for a Commercial Communication Tower Type 2 (Case No. SUP24-2019-172).
- 2019-405 Conduct a public hearing and consider and act upon an ordinance amending the City of Midlothian Zoning Ordinance, By Amending Section 3.01 “Residential District Regulations Table (Quick Reference)”, by amending various areas to be consistent with the associated sections in the Zoning Ordinance; amending Section 3.101 “Agricultural (A) District Regulations & Standards”, Section 3.201 “Single-Family One (SF-1) District Regulations & Standards”, Section 3.301 “Single-Family Two (SF-2) District Regulations & Standards”, Section 3.401 “Single-Family Three (SF-3) District Regulations & Standards”, Section 3.501 “Single-Family Four (SF-4) District Regulations & Standards”, Section 3.601 “Residential 2.5 (R-2.5) District Regulations & Standards”, Section 3.701 “Residential Three (R-3) District Regulations & Standards”, by amending various categories in each aforementioned sections to include but not limited to the minimum lot size, minimum garage size, maximum garage orientation, minimum house size, maximum lot coverage and maximum density; amending Section 3.5602 “Garage Requirements” amending The Development Regulations and Requirements for a Garage; amending Section 3.5604 “Residential Parking Ratios” by amending the “Apartment/Multifamily Dwelling” minimum spaces requirements; amending Section 100.1 “General Definitions”, by amending the definitions of “Garage”, “Front-Entry Garage”, “J-Swing Garage”, “Rear-Entry Garage”, “Side-Entry Garage” (OZ15-2019-124).
- 2019-406 Conduct a public hearing and consider and act upon an ordinance changing the zoning of Lot 16, Arkansas Heights, City of Midlothian (commonly known as 200 East Main Street) from Community Retail (CR) District to Urban Village Planned Development District No. 122 (UVPD-122) for community retail uses (Case No. Z26-2019-166).

#### **REGULAR AGENDA**

- 2019-407 Consider and act upon a Right of Use License and Hold Harmless Agreement for use of the western 60 feet of the Right-of-Way for Sewell Avenue; for on-street parking (Case No. M42-2019-176).

- 2019-408 Consider and act upon a resolution authorizing the abandonment and vacation of portions of a variable width utility easement located on Lot 1R-1, Block 6, Original Town of Midlothian. The property is located at 500 N 9th Street (Case No. M40-2019-155).
- 2019-409 Consider and act upon a request per Zoning Ordinance Section 4.6019 (i) to allow for a historic mural for downtown Midlothian located at 211 W Avenue F.
- 2019-410 Consider and act upon a resolution authorizing the Midlothian Parks and Recreation Department to apply for a Local Park Program Grant (the “Grant”) with the Texas Parks and Wildlife Department (TPWD) and authorizing the City Manager to accept, reject, alter, and expend funds from said Grant.
- 2019-411 Consider and act upon a resolution authorizing a grant in the amount of \$49,948.90 be awarded by the Midlothian Community Development Corporation (MCDC or 4B) to the Midlothian Senior Citizens Center to fund the purchase of outdoor exercise equipment.
- 2019-412 Consider and act upon an Ordinance of the City of Midlothian, Texas, amending the Code of Ordinances by amending Chapter 12 titled “Traffic and Vehicles” by amending Article 12.03 titled “Parking, Stopping and Standing” by adding a new Section 12.03.014 titled “No School Drop Off, Pick Up or Parking During Specified Times”; providing a repealing clause; providing a severability clause; providing a savings clause; providing for a penalty of fine not to exceed the sum of two hundred dollars (\$200.00); and providing for an effective date.
- 2019-413 Consider and act upon a bid award for a new 3 million gallon concrete ground storage tank at the Auger Water Treatment Plant (WTP No. 2) with Preload, LLC, in a base bid amount of \$3,318,000, as well as bid alternates A2, A3 and A4 in a deductive amount of \$41,699, for an initial contract amount of \$3,276,301 and Change Order Number 1 in a deductive amount of \$44,500, for a total revised amount not to exceed \$3,231,801.
- 2019-414 Consider and act upon the purchase of a 2020 F-450 7.3-liter gas powered brush truck at a purchase price of \$113,857.71 utilizing the Buy Board contract.
- 2019-415 Consider and act upon a thirty-six (36) month fair market value lease with Dell Computers for 24 laptops and 55 desktops as part of the City’s computer replacement program approved in the Capital Equipment Program and the FY 2019-20 Budget.
- 2019-416 Consider and act upon a Cooperative-Purchasing Agreement with the City of North Richland Hills.
- 2019-417 Consider and act upon a resolution of votes cast to elect directors for the Ellis Appraisal District for the years 2020-2021
- 2019-418 Consider and act upon an agreement with Travelers to provide specified property coverages for the City of Midlothian effective December 1, 2019 with a common expiration of October 1, 2020, for \$146,757.00 for ten months or an annual premium of \$174,714.00.

2019-419 Consider and act upon an ordinance amending the FY 2018-2019 General Fund budget appropriations in the amount of \$8,270,966 from the General Fund unreserved fund balance for expenditures related to lump sum settlement payments from TXDOT for pass through reimbursement agreements with Midlothian Development Authority; 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.

### 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 551.071(2) Legal: Consultation with City Attorney regarding Public Utility Commission of Texas Docket No. 44394 and appeal - Certificate of Convenience & Necessity – City of Midlothian & Mountain Peak Special Utility District.

### REGULAR AGENDA

2019-420 Action resulting from Executive Session, Item #1: Legal

2019-421 Action resulting from Executive Session, Item #2: Legal – PUC Docket No. 44394

2019-422 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 8<sup>th</sup> day of November, 2019 at or before 5:00 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.**