

Mike Adams

From: DRP@freese.com
Sent: Monday, December 16, 2013 10:26 AM
To: Mike Adams
Cc: MDL13336-Team@freese.com; Billy King; dsims@dssland.com; DS@freese.com; THH@freese.com; THH@freese.com
Subject: Midlothian Community Park Water Assessment - One Page Report
Attachments: MDL13336_20131216_OnePageReport.pdf

Mike,

Please see the attached one page report for an update on the project status. We will send you the final report by 5pm today.

Thanks,
Dan Prendergast, P.E.

Please consider the environment before printing this message.

This electronic mail message is intended exclusively for the individual or entity to which it is addressed. This message, together with any attachment, may contain the sender's organization's confidential and privileged information. The recipient is hereby notified to treat the information as confidential and privileged and to not disclose or use the information except as authorized by sender's organization. Any unauthorized review, printing, retention, copying, disclosure, distribution, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this message in error, please immediately contact the sender by reply email and delete all copies of the material from any computer. Thank you for your cooperation.

PROJECT NO.: MDL13336**DATE:** 12/16/2013**PROJECT:** Midlothian Community Park Water Assessment**TO:** Mike Adams, P.E.**FROM:** Dan Prendergast, P.E.**CC:** MDL13336, Billy King, Dennis Sims, Eddie Haas, Scott Cole**PROJECT UPDATES**

- FNI received City comments for draft memo on 12/9/13.
- FNI currently working on updating the memo based on City comments.

UPCOMING SUBMITTALS AND MEETINGS

- FNI to submit final memo by 5pm Monday December 16th.

Mike, we are updating the memo based on your comments and will send you the final memo by 5pm today.

Thanks!

Mike Adams

From: Dan Prendergast <drp@freese.com>
Sent: Monday, December 16, 2013 4:40 PM
To: Mike Adams
Cc: Billy King; Eddie Haas; Scott Cole; Kevin Lasher; Dennis Sims (dsims@dssland.com); Jessica Vassar
Subject: Midlothian Community Park Water Assessment Final Memo
Attachments: Final Midlothian Park Water Assessment Memo.pdf

Mike,

Attached is the final memo for the Midlothian Community Park Water Assessment. We really appreciate the opportunity to work on this project with you. If you have any questions at all, feel free to call me anytime.

Thank you,

Dan Prendergast, P.E., LEED Green Associate

URBAN PLANNING + DESIGN GROUP

Freese and Nichols, Inc.
2711 North Haskell Avenue, Suite 3300
Dallas, Texas 75204
214-217-2216

www.freese.com

-----Original Message-----

From: Mike Adams [mailto:Mike.Adams@Midlothian.tx.us]
Sent: Monday, December 09, 2013 4:10 PM
To: Dan Prendergast
Cc: Billy King; Eddie Haas; Scott Cole; Kevin Lasher; Dennis Sims (dsims@dssland.com); Stephanie Neises
Subject: Midlothian Community Park Water Assessment Draft Memo

Dan,

We've had an opportunity to review the above referenced memo and have attached our comments. Please note that the majority of the comments pertain to the on-site well option, based on Billy talking to both Sardis-Lone Elm Water Supply Corporation and a well drilling company. Please refer back to my email to you, dated Friday, November 22, for additional information. Basically, regardless of the option, our plan is to dump into the on-site ponds and then pull water from the ponds for irrigation purposes. That being said, this assessment will not need to consider what happens outside of the pond, since the cost will be the same for each of the options. For the on-site well, please use a conservative cost of \$1.5 million, turnkey for a complete, operating well, with a depth of 2,500 feet.

Once you've had an opportunity to review our comments and if you should have any questions or need clarification, please let me know. We have a Utility Advisory Board meeting scheduled for Monday evening, December 16 (a week from today) and would like to present this assessment to them at this time (if possible).

Thanks,
Mike.

Mike Adams, P.E.
Exec. Director of Engineering & Utilities City of Midlothian
972-775-7105

-----Original Message-----

From: mpc3001@midlothian.tx.us [mailto:mpc3001@midlothian.tx.us]
Sent: Monday, December 09, 2013 2:59 PM
To: Mike Adams
Subject: Message from "RNP0026732E6050"

This E-mail was sent from "RNP0026732E6050" (Aficio MP C3001).

Scan Date: 12.09.2013 15:59:14 (-0500)
Queries to: mpc3001@midlothian.tx.us

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**NOTICE OF A JOINT MEETING OF THE
CITY COUNCIL UTILITY SUBCOMMITTEE
AND THE
UTILITY ADVISORY BOARD
THURSDAY, JANUARY 16, 2014**

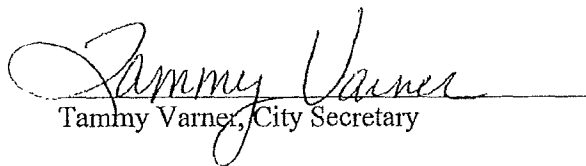
Pursuant to the provisions of Chapter 551 VTCA Government Code, notice is hereby given of a Joint Meeting of the City Council Utility Subcommittee and the Utility Advisory Board, to be held in the Administrative Conference Room of City Hall, 104 West Avenue E, Midlothian, Texas

REGULAR AGENDA - 5:30 PM

Call to Order

- 2014-01 Review and approve Minutes from November 18, 2013 meeting
- 2014-02 Review, discuss and provide recommendations to staff as appropriate on a draft "Agreement for the Sale and Delivery of Treated Water to the City of Grand Prairie by the City of Midlothian"
- 2014-03 Review, discuss and provide recommendations to staff as appropriate on the Midlothian Community Park Water Assessment
- 2014-04 Review, discuss and provide recommendations to staff as appropriate on the Trinity River Authority's (TRA's) Mountain Creek Regional Wastewater System capital improvement program
- 2014-05 Announcements regarding staff and infrastructure issues
- 2014-06 Schedule future meeting dates(s)
- 2014-07 Adjourn

I, Tammy Varner, 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 public at all times, no later than the 13th day of January 2014, at or before 5:30 p.m.


Tammy Varner, 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 775-7101 for further information.**

**MINUTES
CALLED CITY COUNCIL UTILITY SUBCOMMITTEE & UTILITY ADVISORY
BOARD MEETING
JANUARY 16, 2014**

The City Council Utility Subcommittee and Utility Advisory Board of the City of Midlothian convened in a Called Meeting in the Administrative Conference Room of City Hall, 104 West Avenue E, with the meeting having been open to the public and notice of said meeting having been posted as prescribed by V.T.C.A., Government Code, Chapter 551, with the following members present to-wit:

UTILITY ADVISORY BOARD

Jimmy E. Bonney
John Bottkol
Jarrett D. Greer
Donald "DeJay" Miller
Jimmie Mitchell
Maurice Osborn, Chairperson
Justin Reese

COUNCIL SUBCOMMITTEE

Bill Houston, Mayor, Chairperson
Wayne Sibley, Councilmember Place 1

Absent: T. J. Henley, Councilmember, Place 5

Staff: Mike Adams, Linda Barker, Chris Dick, Don Hastings, Tammie Lowry, Adam Mergener, Terry Williams, and Ben Wilson

Visitors: None

REGULAR AGENDA - 5:30 PM

City Council Utility Subcommittee Chairperson Houston called the meeting to order at 5:40 p.m. with notice of the meeting being duly posted and a quorum present.

2014-01 REVIEW & APPROVE MINUTES FROM THE NOVEMBER 18, 2013 MEETING

Maurice Osborn moved to approve the minutes as presented. Motion was seconded by Jimmie Mitchell and carried unanimously.

2014-02 REVIEW, DISCUSS AND PROVIDE RECOMMENDATIONS TO STAFF AS APPROPRIATE ON A DRAFT "AGREEMENT FOR THE SALE AND DELIVERY OF TREATED WATER TO THE CITY OF GRAND PRAIRIE BY THE CITY OF MIDLOTHIAN"

Mike Adams discussed the contract and rates. Upon discussion, Jimmie Mitchell motioned that the Board recommend approval of the contract and rates and the motion was seconded by John Bottkol and carried unanimously.

2014-03 REVIEW, DISCUSS AND PROVIDE RECOMMENDATIONS TO STAFF AS APPROPRIATE ON THE MIDLOTHIAN COMMUNITY PARK WATER ASSESSMENT

Mike Adams presented the various options that were studied. Upon discussion, Jimmie Mitchell motioned that the Board recommend the construction of a City water main and use of City water for irrigation purposes and the motion was seconded by Jimmie Bonnie and carried unanimously.

2014-04 REVIEW, DISCUSS AND PROVIDE RECOMMENDATIONS TO STAFF AS APPROPRIATE ON THE TRINITY RIVER AUTHORITY'S (TRA'S) MOUNTAIN CREEK REGIONAL WASTEWATER SYSTEM CAPITAL IMPROVEMENT PROGRAM

Mike Adams gave an overview. No motion was necessary at this time.

2014-05 ANNOUNCEMENTS REGARDING STAFF AND INFRASTRUCTURE ISSUES

Adam Mergener gave an update on focus areas for rehabilitation of water and sewer mains.


2014-06 SCHEDULE FUTURE MEETING DATE(S)

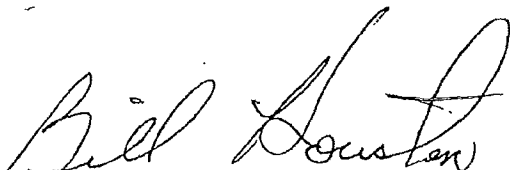
No future meeting date scheduled at this time.

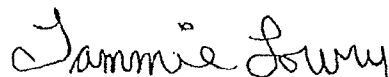
2014-07 ADJOURN

With there being no further business to discuss, City Council Utility Subcommittee Chairperson Mayor Houston adjourned the meeting at 6:50 p.m.

ATTEST:


Maurice Osborn, Utility Advisory Board
Chairperson


Mayor Houston, City Council Utility
Subcommittee Chairperson


Tammie Lowry, Administrative Manager

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

Tuesday, March 25, 2014

6:00 p.m.

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

Call to Order, Invocation and Pledge of Allegiance

2014-103 Announcements/Presentations

- a. Community Affairs calendar
- b. Administrative announcements related to personnel

2014-104 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.

2014-105 Consider and act upon minutes from City Council meeting of March 11, 2014

2014-106 Consider and act upon a resolution authorizing the City of Midlothian 8th Street Dance, an annual event hosted by the Parks & Recreation Department, scheduled on Saturday, May 17, 2014, in accordance with a Special Event Permit as established by the City of Midlothian Zoning Ordinance 2013-24 as amended, Section 2.04 (SEP15-2013)

2014-107 Consider and act upon a resolution authorizing the Relay For Life event hosted by the American Cancer Society scheduled for Saturday, May 3, 2014 from 12:00 pm to 12:00 am at Frank Seale Middle School, 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. SEP09-2013)

2014-108 Consider and act upon a resolution authorizing the Spring Fling Arts and Crafts Fair, an annual event hosted by the Midlothian Chamber of Commerce and the City of Midlothian, scheduled for Saturday, April 26, 2014 at Heritage Park/Downtown, in accordance with a Special Event Permit as established by the City of Midlothian Zoning Ordinance 2013-24 as amended, Section 2.04 (SEP10-2013)

REGULAR AGENDA

2014-109 Consider and act upon an "Agreement for the Sale and Delivery of Treated Water to the City of Grand Prairie by the City of Midlothian"

2014-110 Review and discuss the Midlothian Community Park Water Assessment, as prepared by Freese and Nichols, Inc., and direct staff as appropriate

2014-111 Consider and act upon an Engineering Services Agreement for design and related professional services for the Northridge Addition Waterline Rehabilitation Project with Kimley-Horn and Associates, Inc. in an amount not to exceed \$128,700

2014-112 Consider and act upon a recommendation from the Midlothian Economic Development Board of Directors to complete the purchase and initial financing of 212 gross acres / 146 net acres of land for a new industrial/business park to be located on Highway 67 at the northwest corner of Hwy. 67 and Miller Road, from Ellis 1270, LLC, seller, with purchase price of the land amounting to \$2,060,000 and initial financing not to exceed \$2,500,000.

- 2014-113 Consider and act upon a proposed development agreement between Jackson Realty Partners, L.L.C. and the City of Midlothian, Texas for participation in the construction of infrastructure and site improvements for an approximate 65.10 acre single family detached development described as SomerCrest Addition out of the Alexander S. Jenkins Survey, Abstract No. 554, being generally located ±170 feet east of Somerset Street and south of Mt. Zion Road, in the City of Midlothian, Texas
- 2014-114 Review, discuss and prioritize major issue areas as identified by Council at the March 1, 2014 Council Retreat; prioritize issues and/or work projects as desired; and direct staff as necessary.
- 2014-115 Review and discuss a draft agenda for the April 1 City Council Workshop and direct staff as necessary.

EXECUTIVE SESSION

Executive Session items are discussed in closed session but any and all action is taken in regular open session. Executive Session is not open to the public because there is a compelling need of confidentiality (e.g., certain real estate, litigation, or personnel matters).

- 1. Section 551.087 Deliberation regarding economic development negotiations
- 2. Section 551.072 Real Estate: Deliberation regarding real property - to deliberate the purchase, exchange, lease or value of real property
- 3. Section 551.071 Legal: Consultation with attorney regarding Supreme Court of Texas Cause No. 10-0150, ECOM Real Estate Management, Inc. v. City of Midlothian, Texas.
- 4. Section 551.071 Legal: Consultation with attorney based on an ethical duty to advise regarding potential litigation

This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting the Council reserves the right to adjourn into Executive Session on any of the above posted agenda items in accordance with the Sections 551.071 (litigation and certain consultation with attorney), 551.072 (acquisition of interest in real property), 551.073 (contract for gift to city), 551.074 (certain personnel deliberations), 551.076 (deployment/implementation of security personnel or devices) or 551.087 (economic development negotiations).

REGULAR AGENDA

- 2014-116 Action resulting from Executive Session, Item #1: Economic Development
- 2014-117 Action resulting from Executive Session, Item #2: Real Estate
- 2014-118 Action resulting from Executive Session, Item #3: ECOM
- 2014-119 Action resulting from Executive Session, Item #4: Contemplated litigation
- 2014-120 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 21st day of March, 2014 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.



AGENDA ITEM 2014-110

AGENDA CAPTION:

Review and discuss the Midlothian Community Park Water Assessment, as prepared by Freese and Nichols, Inc., and direct staff as appropriate

ITEM SUMMARY/BACKGROUND:

The City's 104 acre Community Park is located within our corporate limits but outside of our water service area (i.e., certificate of convenience and necessity (CCN) area) and within Mountain Peak's. With the number of different playing fields and landscaping, this park will require a sizeable amount of water to meet the irrigation needs. Staff has received information from both the Texas Commission on Environmental Quality (TCEQ) and our water attorney that enables the City to provide water for non-potable use to areas outside our CCN, which would apply to the Community Park. As a result, staff contracted with Freese and Nichols, Inc. (F&N) to prepare a Water Assessment for the Community Park that analyzed the following four options:

- Option 1: Utilize Midlothian's water supply system to serve the irrigation needs of the park.
- Option 2: Utilize Mountain Peak's water supply system to serve the irrigation needs of the park.
- Option 3: Utilize Mountain Peak's infrastructure to transport Midlothian water to serve the irrigation needs of the park through the execution of a pass-through agreement with Mountain Peak.
- Option 4: Utilize (drill) an on-site well to serve the irrigation needs of the park.

This assessment looked at the initial capital costs of each of the four options, the four (4) year operating costs of each option and an estimated 20 year total cost of each option. The initial capital costs for each of the options is presented below:

Option 1: City	Option 2: Mt. Peak	Option 3: Pass-through	Option 4: On-site Well
\$625,970	\$708,220	\$708,220	\$1,500,000

Table 5 in the assessment presents the four (4) year operating costs for each of the options, with the total for these 4 years summarized below:

Option 1: City	Option 2: Mt. Peak	Option 3: Pass-through	Option 4: On-site Well
\$898,831	\$2,714,701	\$1,183,948	\$633,636

Table 7 in the assessment lists the estimated costs for each of the options over a 20 year time period (including the initial capital costs), with the totals for each of the four options being shown below:

Option 1: City	Option 2: Mt. Peak	Option 3: Pass-through	Option 4: On-site Well
\$5,390,958	\$14,281,724	\$6,898,823	\$4,753,034

Based on the results of this assessment, the on-site well option (Option 4) has the highest initial capital cost (\$1,500,000) but, also has both the lowest 4 year operating costs and 20 year costs. Although this option has the lowest overall costs, after discussions with the City's water attorney and Chairman of the City's Utility Advisory Board (who also sits on the board for the Prairielands Groundwater Conservation District, which includes Ellis County), the future and certainty of groundwater availability and regulations is unknown at this time. However, it is extremely likely that groundwater regulations will become more stringent over time and groundwater fees will continue to rise.

After the well option, the City option has the lowest initial capital cost and is the second lowest in both the 4 year operating and 20 year costs. This option (Option 1) will require the installation of a new water line from the Mt. Zion Road area to the Community Park. The cost for this water line has been included as part of the initial capital cost of \$625,970.

The two options that involve Mountain Peak (Options 2 and 3) result in an initial capital cost that is higher than the City option but lower than the on-site well option. These options require the upsizing of an existing water line along Ashford Lane and the installation of a new water line from Ashford Lane to an area within the Lawson Farms Subdivision in order to create a looped system. For the Mountain Peak option (Option 2), the current rates being charged by Mountain Peak were utilized and for the pass-through option (Option 3), a pass-through rate of \$1.00 per 1,000 gallons was used based on discussions with Mountain Peak. As shown in the tables above, these two options result in the highest 4 year operating and 20 year costs.

SPECIAL CONSIDERATION:

Regardless of the option, the current plan for meeting the irrigation needs at the park is for all water to be discharged into one (or both) of the two planned ponds at the park, and then pumped out of the pond(s) as needed. This will enable the park to discharge into the pond(s) at a controlled rate over a longer period of time rather than impacting either entities system by pulling large volumes of water over shorter periods of time. In addition, this will enable the pond(s) to maintain a certain level of water throughout the year.

City and Mountain Peak staff met regarding Mountain Peak's requirements for Options 2 and 3. Both options will require that the same system improvements be made, therefore, the initial capital costs for these two options are the same.

Without knowing the future water rates for both Midlothian and Mountain Peak, in order to keep this assessment consistent, it was assumed that the water rates for both entities would remain the same beginning in 2015-2016 through 2031-2032.

On Thursday, January 16, 2014, this assessment was presented to the City Council Utility Subcommittee and Utility Advisory Board (UAB) for review and discussion. As a result of this discussion, it was the unanimous recommendation of the UAB that this assessment be brought before the City Council for consideration and that due to the uncertainty of Option 4 (on-site well), Option 1 (utilizing Midlothian's water supply system) be selected by the Council.

FINANCIAL IMPACT/FUNDING SOURCE:

Funding for any of these options will come from the Community Park bond monies.

ATTACHMENTS:

1. Midlothian Community Park Water Assessment Memorandum

ALTERNATIVES:

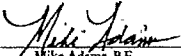
Provide direction to staff.

RECOMMENDATION:

Staff recommends that the City Council direct staff to proceed on the Community Park design utilizing the City's water supply system (Option 1), consistent with the unanimous recommendation of the Utility Advisory Board (UAB) issued on January 16, 2014.

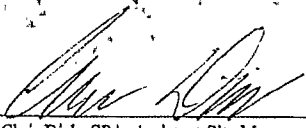
SUBMITTED BY and TO BE PRESENTED BY:

Mike Adams, Executive Director of Engineering & Utilities
For the March 25, 2014 Council meeting


Mike Adams, P.E.,
Executive Director of Engineering & Utilities

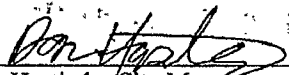
REVIEWED BY:


Billy Long
Parks & Recreation Manager


Chris Dick, CPA, Assistant City Manager


Mary McDonald, Deputy City Secretary

APPROVED BY:


Don Hastings, City Manager

MEMORANDUM



Innovative approaches
Practical results
Outstanding service

1701 N Market St., #500, LB51 • Dallas, Texas 75202 • 214-217-2200 • fax 214-217-2201

www.freese.com

TO: Mike Adams, P.E.
CC: Eddie Haas, AICP
Jessica Vassar, P.E.
FROM: Dan Prendergast, P.E.
Scott Cole, P.E.
SUBJECT: Midlothian Community Park Water
Assessment
DATE: 12/16/13
PROJECT: MDL13336



FREESE AND NICHOLS, INC.
TEXAS REGISTERED
ENGINEERING FIRM
F-2144

FREESE AND NICHOLS, INC.
TEXAS REGISTERED
ENGINEERING FIRM
F-2144

Freese and Nichols Inc. (FNI) was tasked with performing an analysis on short and long term cost implications for providing water service to a planned community park. FNI studied four different options for providing service to the park.

- Option 1: Utilize the City of Midlothian's water supply system to serve the irrigation needs of the park.
- Option 2: Utilize Mountain Peak Special Utility District to serve the Irrigation needs of the park.
- Option 3: Utilize Mountain Peak Special Utility District infrastructure, but utilizing a pass-through agreement for service.
- Option 4: Utilize an on-site well for irrigation.

FNI also evaluated utilizing two on-site ponds to store water for irrigation. The park has one existing pond and a second pond would be constructed on the site.

FNI compared both options based on the following criteria:

1. Evaluation of existing infrastructure and proposed infrastructure needed to serve the park with conceptual estimation of probable cost of proposed improvements
2. Analysis of existing and future water rates
3. Analysis of existing drought implementation policies and associated impacts

1. Evaluation of Existing Infrastructure

Criteria/Assumptions:

- o Maximum Demand of 1,063 gpm



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- o \$7/dia-in/ft cost for proposed water line improvements
- o No onsite storage
- o 20% contingency
- o 15% engineering cost

The first option evaluated utilizing the City of Midlothian's water supply system to serve the park. The City of Midlothian currently has an existing 16-inch waterline running along U.S. 287 bypass at Mount Zion Road. In order to serve the demand of 1,063 gpm, approximately 5,400 linear feet of proposed 12-inch waterline would need to connect from U.S. 287 bypass and run south to the park location (see **Figure 1**). The total estimated cost of improvements is presented in **Table 1**. FNI assumed no fire demand and assumed City would have the ability to shut off park irrigation if emergency occurs within the distribution system. Further investigation is recommended to determine impact on future system operations/improvements.

Table 1: Option 1 Midlothian Water Supply Infrastructure Costs

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	12" Pipe	5,400	LF	\$84	\$453,600
	SUBTOTAL:				\$453,600
	CONTINGENCY			20%	\$90,720
	SUBTOTAL:				\$544,320
	ENG/SURVEY			15%	\$81,650
	TOTAL				\$625,970

The second and third alternatives evaluated using the Mountain Peak Special Utility District infrastructure to serve the park. Mountain Peak Special Utility District currently has a 6-inch waterline running along Ashford Ln from FM 663 to the proposed park site. In order to serve the demand of 1,063 gpm, the 6-inch waterline would need to be upsized to a 12-inch waterline and connected to the existing 12-inch line along Heatherstone Drive for approximately 5,300 linear feet (see **Figure 1**). The 12-inch water line also includes boring and casing under FM 663, two new fire hydrants, and relocating one fire hydrant. The proposed water lines are presented on **Figure 1**. The total estimated cost of improvements is presented in **Table 2**.



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Table 2: Option 2 and 3 Mountain Peak Water Supply Infrastructure Costs

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	12" Pipe	5,300	LF	\$84	\$445,200
2	20" Boring and Casing	200	LF	\$300	\$60,000
3	Relocate Fire Hydrant	1	EA	\$1,000	\$1,000
4	Fire Hydrants	2	EA	\$3,500	\$7,000
SUBTOTAL:					\$513,200
CONTINGENCY				20%	\$102,640
SUBTOTAL:					\$615,840
ENG/SURVEY				15%	\$92,380
TOTAL					\$708,220

The fourth option evaluated was drilling on on-site well. The well was assumed to have a depth of 2,500 feet. The park is located in the Prairielands Groundwater Conservation District, and the district will need to approve the well before it can be drilled. Drilling a new well will also require TCEQ approval. The estimated cost of the well for Option 4 is presented in **Table 3**. Further exploration of this option with a well driller is recommended to develop a more detailed cost estimated.

Table 3: Option 4 On-site Well Water Supply Infrastructure Costs

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	Well	1	EA	\$1,500,000 ⁽¹⁾	\$1,500,000
TOTAL					\$1,500,000

(1) Cost for a turnkey well provided by the City of Midlothian

2. Analysis of Existing and Future Water Rates

Criteria/Assumptions:

- o 2,036,550 GPW
- o 35 weeks per year

City of Midlothian's water rate increase data was available through the 2015-2016 year. Therefore a four year outlook was first analyzed by using the City of Midlothian's planned rate increases over four years compared to Mountain Peak's 2012-2013 water rate (water rate increase data was not available for Mountain Peak). The pass-through rate for Mountain Peak was assumed to be \$1.00 per 1,000 gallons.

For the on-site wells, the weekly pumping costs were calculated for the well operation. For pumping water, the power required equation is as follows:



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$$P = hQ/3956\eta_p$$

Where P = power required (hp)

h = head added (ft)

Q = flow rate (gpm)

η_p = pump efficiency

Assuming a pump efficiency of 75%, the power required to pump 1,063 gpm from the well at a head of 2,500 feet is:

$$P = (2500 \text{ ft})(1063)/(3956)(0.75) = 896 \text{ hp}$$

Based on the above calculation, the power required for the wells is 896 hp. It is assumed that the pumps will run for 1,118 hours per year to meet the required watering schedule. Assuming an average electrical rate of \$0.10/kW-h and a motor efficiency of 92%, the yearly power cost for pumping can be estimated with the following equation:

$$\text{Cost} = \text{cost per kW-h}(Pt/\eta_m)$$

Where P = power required (hp)

t = time (hr)

η_m = motor efficiency

$$\text{Annual Cost} = (\$0.10/\text{kW-h})(0.7457 \text{ kW/hp})(896 \text{ hp})(1,118 \text{ hr})/(0.92)$$

$$\text{Annual Cost} = \$81,194/\text{year}$$

$$\text{Weekly Cost (assuming 35 weeks)} = \$2,320/\text{week}$$

The well costs also include \$4,000 per month for chemical wellhead treatment and \$30,000 per year for staffing and maintenance costs. A groundwater conservation district fee of \$0.20/1,000 gallons was applied and inflated 3% per year.

Table 4 shows the weekly and yearly cost difference to serve the park based on current water rates over the next 4 years. Table 5 presents the four year operating cost summary. Water rates and calculations are shown in Appendix A.



Table 4: Four Year Weekly and Yearly Costs

2012-2013			2013-2014		
	Weekly Cost	Yearly Cost ⁽¹⁾		Weekly Cost	Yearly Cost ⁽¹⁾
City of Midlothian	\$5,926	\$207,423	City of Midlothian	\$6,273	\$219,540
Mountain Peak	\$19,391	\$678,675	Mountain Peak	\$19,391	\$678,675
Mountain Peak Pass-Through	\$7,963	\$278,702	Mountain Peak Pass-Through	\$8,309	\$290,819
On-Site Well	\$4,507	\$157,755	On-Site Well	\$4,519	\$158,182
2014-2015			2015-2016		
	Weekly Cost	Yearly Cost ⁽¹⁾		Weekly Cost	Yearly Cost ⁽¹⁾
City of Midlothian	\$6,578	\$230,232	City of Midlothian	\$6,904	\$241,637
Mountain Peak	\$19,391	\$678,675	Mountain Peak	\$19,391	\$678,675
Mountain Peak Pass-Through	\$8,615	\$301,511	Mountain Peak Pass-Through	\$8,940	\$312,916
On-Site Well	\$4,532	\$158,623	On-Site Well	\$4,545	\$159,076

(1) Yearly costs are based on 35 weeks

Table 5: Four Year Operating Cost Summary

	Option1: City of Midlothian	Option2: Mountain Peak	Option3: Mountain Peak Pass-Through	Option4: On-Site Well
2012-2013	\$207,423	\$678,675	\$278,702	\$157,755
2013-2014	\$219,540	\$678,675	\$290,819	\$158,182
2014-2015	\$230,232	\$678,675	\$301,511	\$158,623
2015-2016	\$241,637	\$678,675	\$312,916	\$159,076
Total	\$898,831	\$2,714,701	\$1,183,948	\$633,636

3. Analysis of Existing Drought Implementation Policies

Drought implementation policy was the last criteria studied for this analysis. The policies of the City and Mountain Peak were studied in order to see the differences in water restriction implementation during drought. The policies are similar; however, the City of Midlothian limits automatic sprinkler watering at Stage 3. Mountain Peak does not limit irrigation by automatic sprinkler until Stage 4. Limiting irrigation by automatic sprinkler heads would result in increased landscape maintenance costs. More information is needed on the



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history of water restriction implementation for both water districts to better estimate possible monetary impacts. A summary table is provided on **Appendix B**.

4. Analysis of On-site Ponds

FNI evaluated on-site ponds for irrigation. The park has one existing pond and a second proposed pond was evaluated. The desire is for the ponds to maintain a constant water elevation for aesthetic purposes. The proposed pond was assumed to be similar in size to the existing pond. The cost estimate for the ponds is summarized in **Table 6**. Permitting, administrative costs, and source of water were not included in the cost estimate. Water rights costs are difficult to predict and may vary significantly. Using ponds for storage may reduce the infrastructure cost of an on-site well. The existing pond does not have an existing water right. If the existing pond is used for recreation or irrigation it will require a water right. It is recommended that the proposed pond be constructed off-channel with no diversions from the creek to avoid requiring a water right. A memorandum detailing the water rights implications is provided in **Appendix C**.



Table 6: On-site Ponds Cost Estimate

New Pond				
Site Clearing	1	LS	\$15,000.00	\$15,000
Excavation and Haul	12,100	CY	\$15.00	\$181,500
Headwalls	2	EA	\$3,000.00	\$6,000
Outlet Pipe	50	LF	\$180.00	\$9,000
Rock Riprap	100	SY	\$75.00	\$7,500
Turf Reinforcement Matting	1,400	SY	\$20.00	\$28,000
Block Sod	1,400	SY	\$4.00	\$5,600
Landscaping	1	LS	\$50,000.00	\$50,000
SUBTOTAL:				\$302,600
Existing Pond				
Outlet Pipe	50	LF	\$180.00	\$9,000
Rock Riprap	100	SY	\$75.00	\$7,500
Care of Water During Construction	1	LS	\$10,000.00	\$10,000
SUBTOTAL:				\$26,500
SUBTOTAL:				\$329,100
Erosion and Sediment Controls	1	%	\$3,300	\$3,300
Mobilization	10	%	\$32,900	\$32,900
SUBTOTAL:				\$365,300
Water Rights	1	LS	\$20,000	\$20,000
SUBTOTAL:				\$385,300
Contingency	20	%	\$77,100	\$77,100
SUBTOTAL:				\$462,400
OPINION OF PROBABLE CONSTRUCTION COST:				\$462,400
Engineering	15	%	\$69,400	\$69,400
SUBTOTAL:				\$69,400
OPINION OF PROBABLE DESIGN COST:				\$69,400
PROJECT TOTAL				\$531,800
Notes: Permitting, administrative costs, and source of water are not included in this estimate. Water rights costs are difficult to predict and may vary significantly.				

SUMMARY

Based on the cost analysis, the least expensive option is service by on-site well. Constructing on-site wells has lowest cost of operation over the four year time period, but has the highest up front cost. Constructing wells requires approval from multiple agencies and make take longer to implement. Service by the City has the lowest initial infrastructure cost and the second lowest yearly costs. **Table 7** shows total estimated costs over a 20 year period. Water rates were held constant for the City and Mountain Peak after year 3 because no data was available, but the groundwater conservation district fee continued to inflate 3% per year.



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Table 7: 20 Year Estimated Costs

No. Years	Year	Option 1:	Option 2:	Option 3:	Option 4:
		City of Midlothian Cost	Mountain Peak Cost	Mountain Peak Pass-Through Cost	On- Site Well Cost
1	2012-2013	\$833,393	\$1,386,895	\$986,922	\$1,657,755
2	2013-2014	\$219,510	\$678,675	\$290,819	\$158,182
3	2014-2015	\$230,232	\$678,675	\$301,511	\$158,623
4	2015-2016	\$241,637	\$678,675	\$312,916	\$159,076
5	2016-2017	\$241,637	\$678,675	\$312,916	\$159,544
6	2017-2018	\$241,637	\$678,675	\$312,916	\$160,025
7	2018-2019	\$241,637	\$678,675	\$312,916	\$160,521
8	2019-2020	\$241,637	\$678,675	\$312,916	\$161,032
9	2020-2021	\$241,637	\$678,675	\$312,916	\$161,558
10	2021-2022	\$241,637	\$678,675	\$312,916	\$162,099
11	2022-2023	\$241,637	\$678,675	\$312,916	\$162,657
12	2023-2024	\$241,637	\$678,675	\$312,916	\$163,232
13	2024-2025	\$241,637	\$678,675	\$312,916	\$163,824
14	2025-2026	\$241,637	\$678,675	\$312,916	\$164,434
15	2026-2027	\$241,637	\$678,675	\$312,916	\$165,062
16	2027-2028	\$241,637	\$678,675	\$312,916	\$165,709
17	2028-2029	\$241,637	\$678,675	\$312,916	\$166,375
18	2029-2030	\$241,637	\$678,675	\$312,916	\$167,061
19	2030-2031	\$241,637	\$678,675	\$312,916	\$167,768
20	2031-2032	\$241,637	\$678,675	\$312,916	\$168,496
20 Year Total		\$5,390,958	\$14,281,724	\$6,898,823	\$4,753,034

Option 1 and Option 4 are the lowest cost alternatives. For Option 4, the reliability and availability of groundwater as long-term supply needs to be considered.

Figure 1

- Proposed WL
- Park Site
- Existing Water
- Midlothian City Limits
- Streams
- Lakes



0 500 1,000 Feet

City of Midlothian
Prop 12 WL

Midlothian
Community
Park

Mt. Peak
Prop 12 WL

Appendix A

Appendix A

2012-2013 City of Middletown Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate	Cost	
	2036550	2036 55	\$2 91	\$5,926.38
Weekly Cost of City Water Service				\$5,926.38

2013-2014 City of Middletown Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate	Cost	
	2036550	2036 55	\$3 08	\$6,272.57
Weekly Cost of City Water Service				\$6,272.57

2014-2015 City of Middletown Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate	Cost	
	2036550	2036 55	\$3 23	\$6,578.06
Weekly Cost of City Water Service				\$6,578.06

2015-2016 City of Middletown Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate	Cost	
	2036550	2036 55	\$3 39	\$6,903.90
Weekly Cost of City Water Service				\$6,903.90

2012-2013 Mountain Peak Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate*	Cost	
0-1000	1	\$22.84	\$22.84	
1001-5000	5	\$4.00	\$20.00	
5001-10000	5	\$4.60	\$23.00	
10001-20000	10	\$5.40	\$54.00	
20001-30000	10	\$6.00	\$60.00	
30001-40000	10	\$6.60	\$66.00	
40001-50000	10	\$7.40	\$74.00	
50001-2036550	1986 55	\$9.60	\$19,070.88	
Weekly Cost of Mountain Peak Water Service				\$19,390.72

2013-2014 Mountain Peak Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate*	Cost	
0-1000	1	\$22.84	\$22.84	
1001-5000	5	\$4.00	\$20.00	
5001-10000	5	\$4.60	\$23.00	
10001-20000	10	\$5.40	\$54.00	
20001-30000	10	\$6.00	\$60.00	
30001-40000	10	\$6.60	\$66.00	
40001-50000	10	\$7.40	\$74.00	
50001-2036550	1986 55	\$9.60	\$19,070.88	
Weekly Cost of Mountain Peak Water Service				\$19,390.72

2014-2015 Mountain Peak Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate*	Cost	
0-1000	1	\$22.84	\$22.84	
1001-5000	5	\$4.00	\$20.00	
5001-10000	5	\$4.60	\$23.00	
10001-20000	10	\$5.40	\$54.00	
20001-30000	10	\$6.00	\$60.00	
30001-40000	10	\$6.60	\$66.00	
40001-50000	10	\$7.40	\$74.00	
50001-2036550	1986 55	\$9.60	\$19,070.88	
Weekly Cost of Mountain Peak Water Service				\$19,390.72

2015-2016 Mountain Peak Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate*	Cost	
0-1000	1	\$22.84	\$22.84	
1001-5000	5	\$4.00	\$20.00	
5001-10000	5	\$4.60	\$23.00	
10001-20000	10	\$5.40	\$54.00	
20001-30000	10	\$6.00	\$60.00	
30001-40000	10	\$6.60	\$66.00	
40001-50000	10	\$7.40	\$74.00	
50001-2036550	1986 55	\$9.60	\$19,070.88	
Weekly Cost of Mountain Peak Water Service				\$19,390.72

2012-2013 Mountain Peak Pass-through Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate	Cost	
	2036550	2036 55	\$3 91	\$7,962.91
Weekly Cost of City Water Service				\$7,962.91

2013-2014 Mountain Peak Pass-through Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate	Cost	
	2036550	2036 55	\$4 04	\$8,309.12
Weekly Cost of City Water Service				\$8,309.12

2014-2015 Mountain Peak Pass-through Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate	Cost	
	2036550	2036 55	\$4 23	\$8,614.61
Weekly Cost of City Water Service				\$8,614.61

2015-2016 Mountain Peak Pass through Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate	Cost	
	2036550	2036 55	\$4 39	\$8,940.43
Weekly Cost of City Water Service				\$8,940.43

2012-2013 On-Site Well Weekly Water Cost (2,036,550 GPW)				
Item	Units	Water Rate	Cost	
Groundwater Conservation District Fee per 1000 gallons	2036 55	\$0.20	\$407.31	
Chemical Well Head				
Treatment	1	\$919.96	\$919.96	
Staff Operations	1	\$860.00	\$860.00	
Pumping Costs	1	\$2,320.00	\$2,320.00	
Weekly Cost of City Water Service				\$4,507.27

2013-2014 On-Site Well Weekly Water Cost (2,036,550 GPW)				
Item	Units	Water Rate	Cost	
Groundwater Conservation District Fee per 1000 gallons	2036 55	\$0.21	\$419.53	
Chemical Well Head				
Treatment	1	\$919.96	\$919.96	
Staff Operations	1	\$860.00	\$860.00	
Pumping Costs	1	\$2,320.00	\$2,320.00	
Weekly Cost of City Water Service				\$4,519.49

2014-2015 On-Site Well Weekly Water Cost (2,036,550 GPW)				
Item	Units	Water Rate	Cost	
Groundwater Conservation District Fee per 1000 gallons	2036 55	\$0.21	\$432.12	
Chemical Well Head				
Treatment	1	\$919.96	\$919.96	
Staff Operations	1	\$860.00	\$860.00	
Pumping Costs	1	\$2,320.00	\$2,320.00	
Weekly Cost of City Water Service				\$4,532.08

2015-2016 On-Site Well Weekly Water Cost (2,036,550 GPW)				
Item	Units	Water Rate	Cost	
Groundwater Conservation District Fee per 1000 gallons	2036 55	\$0.22	\$445.06	
Chemical Well Head				
Treatment	1	\$919.96	\$919.96	
Staff Operations	1	\$860.00	\$860.00	
Pumping Costs	1	\$2,320.00	\$2,320.00	
Weekly Cost of City Water Service				\$4,545.08

* Mountain Peak water rates were not increased from 2013 current rates

Appendix B

Appendix B

Drought Implementation Policy Comparison			
City of Midlothian		Mountain Peak	
Stage	Response	Stage	Response
1	Landscape irrigation limited to twice a week (varying by odd/even addresses)	1	Landscape irrigation limited to twice a week between (8pm and 10am)
2	Landscape irrigation limited to twice a week - Require reductions by City facilities and operations of non-essential water use and reductions in landscape watering	2	Landscape irrigation limited to twice a week between (8pm and 9am)
3	Watering allowed only by drip irrigation or hand held buckets or hoses - water rationing initiated	3	twice a week - watering by automatic sprinkler system is allowed. Hose end sprinklers are not allowed
4	Irrigation of landscaped areas is prohibited	4	Automatic sprinkler watering not allowed - hand watering and drip irrigation of landscape allowed between 6am-10am and 8pm-12am twice a week
Emergency	Outdoor water uses are prohibited (including foundation watering)	5	Watering landscape is prohibited
		6	Water Allocation

Appendix C

MEMORANDUM



Innovative approaches
Practical results
Outstanding service

4055 International Plaza, Suite 200 • Fort Worth, Texas 76109 • 817-735-7300 • fax 817-735-7491

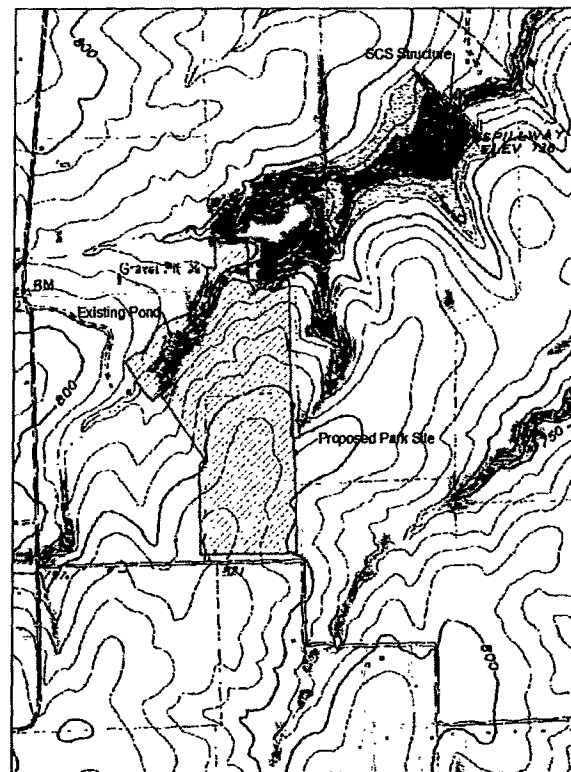
www.freese.com

TO: File
CC: Jessica Vassar, P.E.; Jon Albright
FROM: Jeremy Rice
SUBJECT: Midlothian Community Park Assessment Evaluation of On-Site Ponds
DATE: December 16, 2013
PROJECT: MDL13336

Freese and Nichols performed an evaluation of one existing and one proposed pond for a park in Midlothian, Texas. This memorandum provides the results of a water right review and water availability analysis for both ponds.

Water Right Review

Based on a review of USGS quad maps it was determined that the existing pond is on a water course and therefore impounds state water (Figure 1). Reviewing the current water rights database it was determined that this pond does not have a water right. As long as this pond is used only for domestic and livestock purposes, it is exempt and does not require a water right. Changing the purpose from domestic and livestock to recreation purposes and/or using the pond for irrigation diversions will require a water right. The City can obtain a water right from the state by applying to the Texas Commission on Environmental Quality (TCEQ). As part of the water right the City will be required to add an outlet structure to the existing pond to make releases for



Legend
● WA_R0 ▨ Park Site ■ Existing Pond Figure 1: USGS Quad Location Map

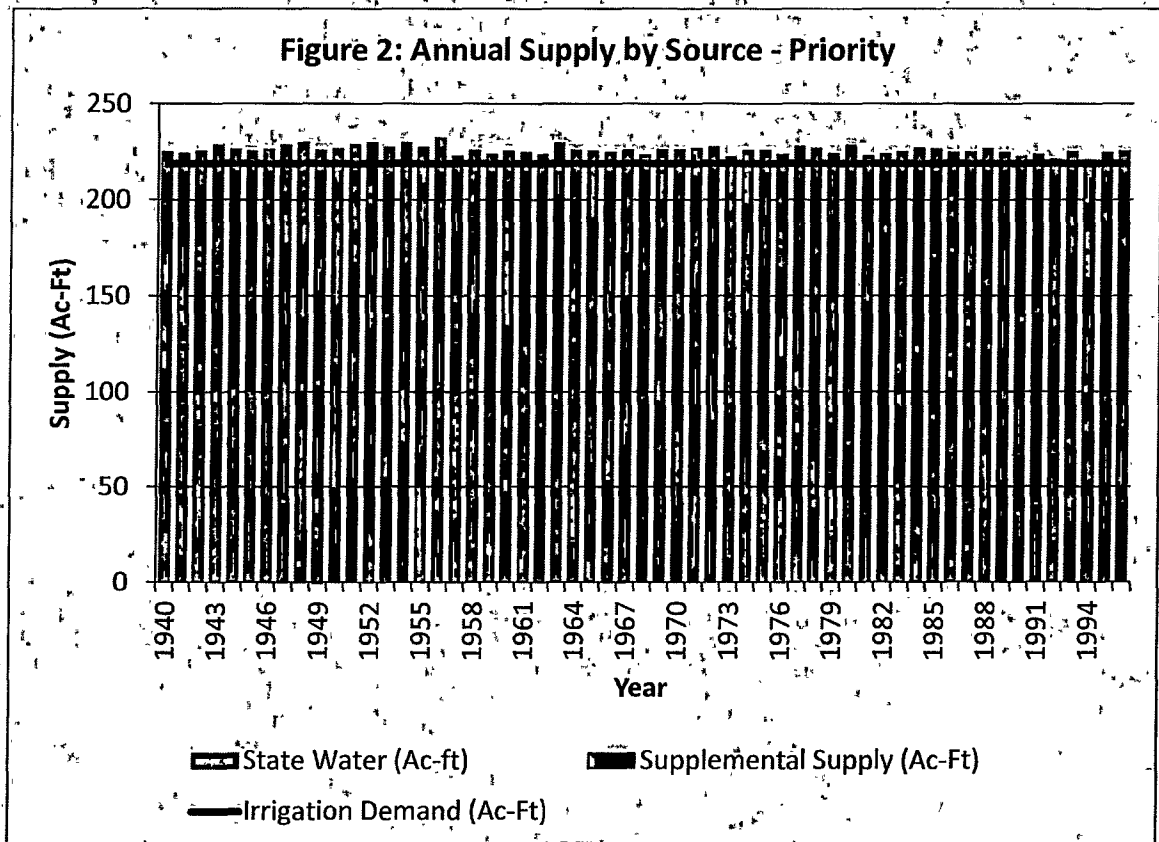
downstream senior water rights. The analysis assumed the second pond will not be built on a watercourse and will not require a water right:

Availability Analysis

In order to evaluate the state water available for appropriation the existing pond was modeled using the TCEQ Trinity Water Availability Model (WAM). (State water would be the natural inflow into the pond and would not include supplemental water imported into the pond from an alternative source.) Based on this analysis, there is insufficient water to permit the pond by itself. Current TCEQ practice would require that the pond be kept full of water from an alternative source to minimize impacts on existing water rights.

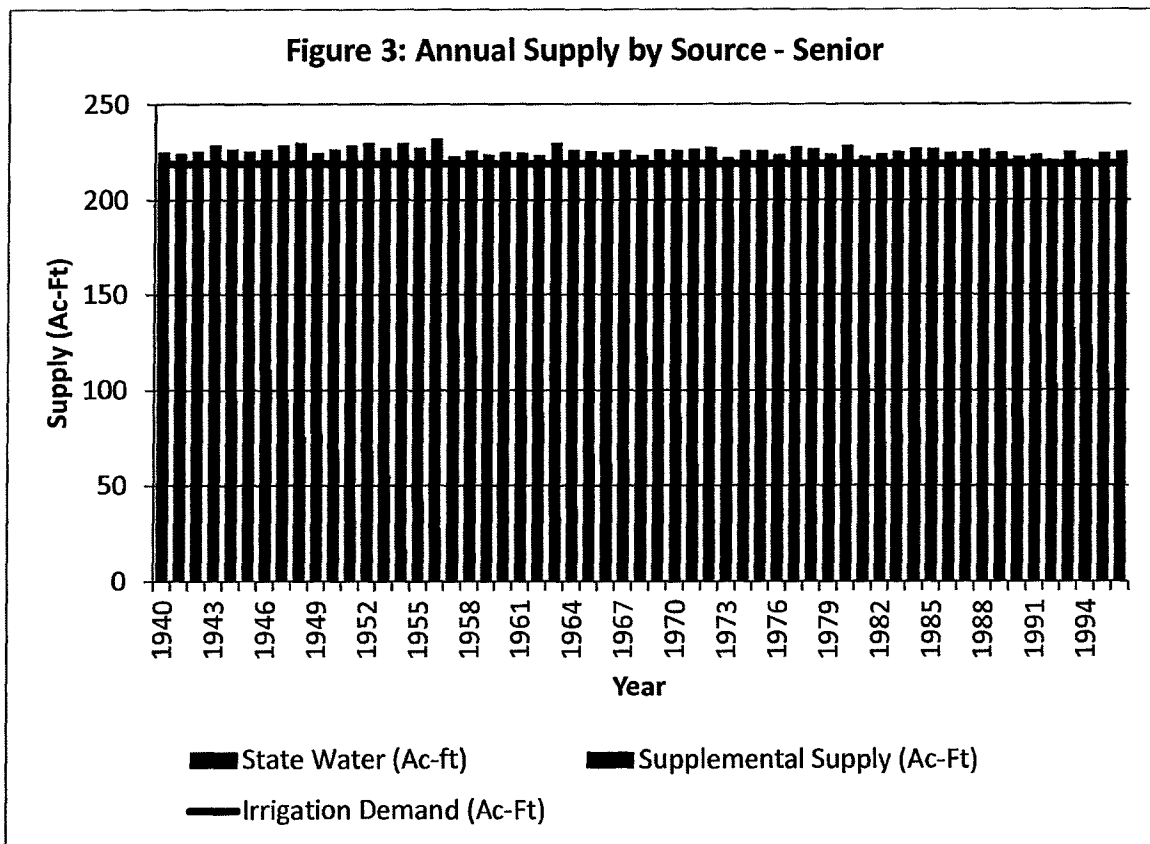
The surface area of the current pond is approximately 2.5 acres calculated using existing aeriels. The depth was calculated using the current pool elevation and the flow line downstream of the creek below the pond. The irrigation demand provided was 2 million gallons per week for 35 weeks of the year or 219 acre-feet per year.

Figure 2 shows the source of supply (appropriated state water or supplemental water) assuming that all of the irrigation demand comes from the existing pond. An average of approximately 38 acre-feet per year of state water would be available for diversion, with no water available in many years. In those years both water to keep the pond full and water to meet irrigation demands would need to be provided from the alternative source. The maximum demand to keep the pond full plus evaporation loss is 233 acre-feet.



Water rights in Texas are determined on priority basis (first in time, first in right). The analysis for the water right was done assuming that water already appropriated by senior water rights was passed through the pond. An additional analysis was performed to determine how the pond would perform if no inflows were passed to downstream senior water rights. **Figure 3** shows the source of supply (appropriated state water or supplemental water) assuming that all of the irrigation demand comes from the existing pond and the pond is able to hold all inflows. This increases the average amount of the state water available to 88 acre-feet per year. The maximum demand to keep the pond full plus evaporation under this assumption is 214 acre-feet.

In both cases in order to keep the pond full the city would need to supplement the supply from another source if used for irrigation, or use the pond as a recreation feature and makeup the amount of evaporation.



Proposed Pond

It is recommended that the proposed pond be off-channel with no diversions from the creek to avoid requiring a water right. The surface area of the proposed pond will determine the amount of evaporation that will occur. It is

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reasonable to assume a similar amount of evaporation lost as the existing pond. This requires a total demand of approximately 247 acre-feet per year to maintain both pond elevations and meet the irrigation demand.

<p>MINUTES REGULAR COUNCIL MEETING MARCH 25, 2014</p>
--

The City Council of the City of Midlothian convened in a Regular Meeting in the Council Chambers of City Hall, 104 West Avenue E, with the meeting open to the public and notice of said meeting posted as prescribed by V.T.C.A., Government Code, Chapter 551, with the following members present to-wit:

Bill Houston	§	Mayor
Wayne Sibley	§	Councilmember Place 1
Jimmie L. McClure	§	Councilmember Place 3
Joe Frizzell	§	Mayor Pro Tem Place 4
T. J. Henley	§	Councilmember Place 5
Ted Miller	§	Councilmember Place 6

Absent: Mike Rodgers due to family commitment

REGULAR AGENDA

Mayor Houston called the meeting to order at 6:00 p.m. with notice of the meeting duly posted and a quorum present. Mayor pro tem Frizzell gave the invocation and led in the pledges.

2014-103 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

- March 29th - MISD Rowdy Run 5K 9am at Kimmel Park
- March 30th - Community Blood Drive at Midlothian Church of Christ 12pm-4:30pm
- April 12th - Kids Fishing Derby
- April 12th - Citywide Spring Cleanup

b. Administrative announcements related to personnel

None were received.

2014-104 CITIZENS TO BE HEARD

None to be heard

CONSENT AGENDA

- 2014-105 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF MARCH 11, 2014**
- 2014-106 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE CITY OF MIDLOTHIAN 8TH STREET DANCE, AN ANNUAL EVENT HOSTED BY THE PARKS & RECREATION DEPARTMENT, SCHEDULED ON SATURDAY, MAY 17, 2014, IN ACCORDANCE WITH A SPECIAL EVENT PERMIT AS ESTABLISHED BY THE CITY OF MIDLOTHIAN ZONING ORDINANCE 2013-24 AS AMENDED, SECTION 2.04 (SEP15-2013)**
- 2014-107 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE RELAY FOR LIFE EVENT HOSTED BY THE AMERICAN CANCER SOCIETY SCHEDULED FOR SATURDAY, MAY 3, 2014 FROM 12:00 PM TO 12:00 AM, 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. SEP09-2013)**

2014-108 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE SPRING FLING ARTS AND CRAFTS FAIR, AN ANNUAL EVENT HOSTED BY THE MIDLOTHIAN CHAMBER OF COMMERCE AND THE CITY OF MIDLOTHIAN, SCHEDULED FOR SATURDAY, APRIL 26, 2014, IN ACCORDANCE WITH A SPECIAL EVENT PERMIT AS ESTABLISHED BY THE CITY OF MIDLOTHIAN ZONING ORDINANCE 2013-24 AS AMENDED, SECTION 2.04 (SEP10-2013)

Councilmember Sibley moved to approve the Consent Agenda as presented. Motion was seconded by Councilmember Miller and carried unanimously (6-0).

REGULAR AGENDA

The following Item was taken out of order as a courtesy to those in attendance.

2014-113 CONSIDER AND ACT UPON A PROPOSED DEVELOPMENT AGREEMENT BETWEEN JACKSON REALTY PARTNERS, L.L.C. AND THE CITY OF MIDLOTHIAN, TEXAS FOR PARTICIPATION IN THE CONSTRUCTION OF INFRASTRUCTURE AND SITE IMPROVEMENTS FOR AN APPROXIMATE 65.10 ACRE SINGLE FAMILY DETACHED DEVELOPMENT DESCRIBED AS SOMERCREST ADDITION OUT OF THE ALEXANDER S. JENKINS SURVEY, ABSTRACT NO. 554, BEING GENERALLY LOCATED ±170 FEET NORTH OF SOMERSET STREET AND EAST OF MT. ZION ROAD, IN THE CITY OF MIDLOTHIAN, TEXAS

Mayor Houston recused himself from the discussion and left the dais due to a potential conflict of interest. Mayor pro tem Frizzell presided over the Item. Kevin Lasher provided a recap of the terms of the development agreement intended to facilitate the development of the planned SomerCrest residential subdivision and the construction of LedgesStone Lane. Councilmember Sibley moved to approve Item 2014-113 as presented. Motion was seconded by Councilmember Miller and carried unanimously (5-0-1), with Mayor Houston abstaining from the vote. Mayor Houston returned to the dais and presided over the remainder of the meeting.

The remainder of the agenda was taken in the following order:

2014-109 CONSIDER AND ACT UPON AN "AGREEMENT FOR THE SALE AND DELIVERY OF TREATED WATER TO THE CITY OF GRAND PRAIRIE BY THE CITY OF MIDLOTHIAN"

Mike Adams presented the Item, setting out the terms of the agreement with Grand Prairie. Councilmember Sibley moved to approve Item 2014-09 as presented. Motion was seconded by Councilmember McClure and carried unanimously (6-0).

2014-110 REVIEW AND DISCUSS THE MIDLOTHIAN COMMUNITY PARK WATER ASSESSMENT, AS PREPARED BY FREESE AND NICHOLS, INC., AND DIRECT STAFF AS APPROPRIATE

The Item was not discussed, but will be taken up at a later date.

2014-111 CONSIDER AND ACT UPON AN ENGINEERING SERVICES AGREEMENT FOR DESIGN AND RELATED PROFESSIONAL SERVICES FOR THE NORTHRIDGE ADDITION WATERLINE REHABILITATION PROJECT WITH KIMLEY-HORN AND ASSOCIATES, INC. IN AN AMOUNT NOT TO EXCEED \$128,700

Adam Mergener presented the Item and provided a summary of the scope of work to be addressed in the engineering services agreement. Mayor pro tem Frizzell moved to approve Item 2014-111 as presented. Motion was seconded by Councilmember Henley and carried unanimously (6-0).

2014-112 CONSIDER AND ACT UPON A RECOMMENDATION FROM THE MIDLOTHIAN ECONOMIC DEVELOPMENT BOARD OF DIRECTORS TO COMPLETE THE PURCHASE AND INITIAL FINANCING OF 212 GROSS ACRES / 146 NET ACRES OF LAND FOR A NEW INDUSTRIAL/BUSINESS PARK TO BE LOCATED ON HIGHWAY 67 AT THE NORTHWEST CORNER OF HWY. 67 AND MILLER ROAD, FROM ELLIS 1270, LLC, SELLER, WITH PURCHASE PRICE OF THE LAND AMOUNTING TO \$2,060,000 AND INITIAL FINANCING NOT TO EXCEED \$2,500,000.

Larry Barnett presented the Item, noting that the due diligence phase is complete and closing is anticipated to occur on approximately April 10, 2014. Councilmember Henley moved to approve Item 2014-112 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (6-0).

2014-114 REVIEW, DISCUSS AND PRIORITIZE MAJOR ISSUE AREAS AS IDENTIFIED BY COUNCIL AT THE MARCH 1, 2014 COUNCIL RETREAT; PRIORITIZE WORK PROJECTS AS DESIRED; AND DIRECT STAFF AS NECESSARY.

Council will prioritize projects and the information will be assimilated and discussed at the April 1 workshop. No action necessary.

2014-115 REVIEW AND DISCUSS A DRAFT AGENDA FOR THE APRIL 1 CITY COUNCIL WORKSHOP AND DIRECT STAFF AS NECESSARY.

It was the consensus of Council to discuss the following items:

- 1) Issues/Projects
- 2) Downtown Revitalization

Council moved to Executive Session at 6:55 p.m. for the purpose of discussing Item 4 with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Sibley, McClure, Henley, Miller; City Manager, Assistant City Manager, Planning Director, Fire Chief, City Engineer and City Attorney.

EXECUTIVE SESSION

1. SECTION 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
2. SECTION 551.072 REAL ESTATE: DELIBERATION REGARDING REAL PROPERTY - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY
3. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING SUPREME COURT OF TEXAS CAUSE NO. 10-0150, ECOM REAL ESTATE MANAGEMENT, INC. V. CITY OF MIDLOTHIAN, TEXAS.
4. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY BASED ON AN ETHICAL DUTY TO ADVISE REGARDING POTENTIAL LITIGATION

Council reconvened in Regular Session at 8:20 p.m. with no action taken in Executive Session.

REGULAR AGENDA

2014-116 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: ECONOMIC DEVELOPMENT

No discussion; no action

2014-117 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: REAL ESTATE

No discussion; no action

2014-118 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: ECOM

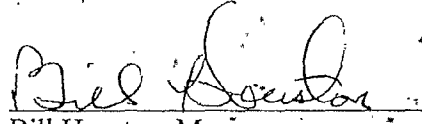
No discussion; no action

2014-119 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: CONTEMPLATED LITIGATION

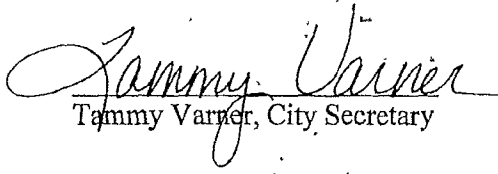
No action taken following Executive Session.

2014-120 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 8:20 p.m..


Bill Houston, Mayor

ATTEST:


Tammy Varner, City Secretary

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

Tuesday, May 13, 2014

6:00 p.m.

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

Call to Order, Invocation and Pledge of Allegiance

2014-173 Announcements/Presentations

- a. Administer Oath of Office to the Mayor and Councilmembers Place 1 and 2
- b. Elect Mayor pro tem
- c. Community Affairs calendar
- d. Proclamation designating May 15 as Police Officers Memorial Day
- e. Recognition of Midlothian Community Emergency Response Team ("CERT") for community service and support
- f. Recognition of Leadership Midlothian Class of 2014 for its downtown beautification project "Midlothian in Bloom"
- g. Administrative announcements related to personnel

2014-174 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.

2014-175 Consider and act upon minutes from City Council meeting of April 22 and May 6, 2014

2014-176 Consider and act upon a resolution authorizing the Chamber of Commerce Wine Walk hosted by the Midlothian Chamber of Commerce scheduled for Thursday, May 22, 2014, in accordance with the 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. SEP21-2013)

2014-177 Consider and act upon a resolution authorizing the Midlothian Meadows V & VI HOA Block Party, located and hosted by property owners in a section of Midlothian Meadows, scheduled for Sunday, May 18, 2014, 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. SEP22-2013)

2014-178 Consider and act upon three Interlocal Agreements between the Midlothian Independent School District and the City of Midlothian, Texas for the assignment of a police sergeant and two police officers to MISD for the 2014-15 school year

2014-179 Consider and act upon a resolution authorizing the use of a temporary concrete batch plant in Windermere Estates, Phase One and Two, for the purpose of developing a new subdivision of single-family homes, including streets, within a residential district and providing for procedures established by the Texas Local Government Code and City ordinance; providing for conditions and exemptions; and setting an effective date and termination date (Case No. M10-2013-63)

- 2014-187 Consider and act upon a recommendation from the Midlothian Economic Development Board of Directors to approve an agreement for professional consulting services with Pacheco Koch to provide Civil Engineering and related services for Midlothian Business Park
- 2014-188 Review and approve a draft agenda for the June 3rd City Council Workshop; review City Council prioritized issues/projects list; and direct staff as necessary

EXECUTIVE SESSION

Executive Session items are discussed in closed session but any and all action is taken in regular open session. Executive Session is not open to the public because there is a compelling need of confidentiality (e.g., certain real estate, litigation, or personnel matters).

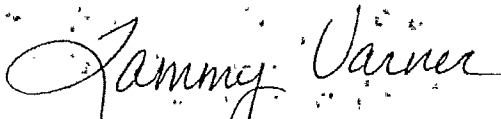
1. Section 551.087 Deliberation regarding economic development negotiations
2. Section 551.072 Real Estate: Deliberation regarding real property - to deliberate the purchase, exchange, lease or value of real property
3. Section 551.071 Legal: Consultation with attorney regarding Supreme Court of Texas Cause No. 10-0150, ECOM Real Estate Management, Inc. v. City of Midlothian, Texas.
4. Section 551.071 Legal: Consultation with attorney based on an ethical duty to advise regarding potential litigation

This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting the Council reserves the right to adjourn into Executive Session on any of the above posted agenda items in accordance with the Sections 551.071 (litigation and certain consultation with attorney), 551.072 (acquisition of interest in real property), 551.073 (contract for gift to city), 551.074 (certain personnel deliberations), 551.076 (deployment/implementation of security personnel or devices) or 551.087 (economic development negotiations).

REGULAR AGENDA

- 2014-189 Action resulting from Executive Session, Item #1: Economic Development
- 2014-190 Action resulting from Executive Session, Item #2: Real Estate
- 2014-191 Action resulting from Executive Session, Item #3: ECOM
- 2014-192 Action resulting from Executive Session, Item #4: Contemplated litigation
- 2014-193 Adjourn

I, Tammy Varner, 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 9th day of May, 2014 at or before 6:00 p.m.



Tammy Varner, 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.



AGENDA ITEM 2014-181

AGENDA CAPTION:

Conduct a public hearing regarding the Midlothian Community Park Water Assessment, as prepared by Freese and Nichols, Inc., and direct staff as appropriate

ITEM SUMMARY/BACKGROUND:

The City's 104 acre Community Park is located within our corporate limits but outside of our water service area (i.e., certificate of convenience and necessity (CCN) area) and within Mountain Peak's. With the number of different playing fields and landscaping, this park will require a sizeable amount of water to meet the irrigation needs. Staff has received information from both the Texas Commission on Environmental Quality (TCEQ) and our water attorney that enables the City to provide water for non-potable use to areas outside our CCN, which would apply to the Community Park. As a result, staff contracted with Freese and Nichols, Inc. (F&N) to prepare a Water Assessment for the Community Park that analyzed the following four options:

- Option 1: Utilize Midlothian's water supply system to serve the irrigation needs of the park.
- Option 2: Utilize Mountain Peak's water supply system to serve the irrigation needs of the park.
- Option 3: Utilize Mountain Peak's infrastructure to transport Midlothian water to serve the irrigation needs of the park through the execution of a pass-through agreement with Mountain Peak.
- Option 4: Utilize (drill) an on-site well to serve the irrigation needs of the park.

This assessment looked at the initial capital costs of each of the four options, the four (4) year operating costs of each option and an estimated 20 year total cost of each option. The initial capital costs for each of the options is presented below:

Option 1: City	Option 2: Mt. Peak	Option 3: Pass-through	Option 4: On-site Well
\$625,970	\$708,220	\$708,220	\$1,500,000

Table 5 in the assessment presents the four (4) year operating costs for each of the options, with the total for these 4 years summarized below:

Option 1: City	Option 2: Mt. Peak	Option 3: Pass-through	Option 4: On-site Well
\$898,831	\$2,714,701	\$1,183,948	\$633,636

Table 7 in the assessment lists the estimated costs for each of the options over a 20 year time period (including the initial capital costs), with the totals for each of the four options being shown below:

Option 1: City	Option 2: Mt. Peak	Option 3: Pass-through	Option 4: On-site Well
\$5,390,958	\$14,281,724	\$6,898,823	\$4,753,034

Based on the results of this assessment, the on-site well option (Option 4) has the highest initial capital cost (\$1,500,000) but, also has both the lowest 4 year operating costs and 20 year costs. Although this option has the lowest overall costs, after discussions with the City's water attorney and Chairman of the City's Utility Advisory Board (who also sits on the board for the Prairielands Groundwater Conservation District, which includes Ellis County), the future and certainty of groundwater availability and regulations is unknown at this time. However, it is extremely likely that groundwater regulations will become more stringent over time and groundwater fees will continue to rise.

After the well option, the City option has the lowest initial capital cost and is the second lowest in both the 4 year operating and 20 year costs. This option (Option 1) will require the installation of a new water line from the Mt. Zion Road area to the Community Park. The cost for this water line has been included as part of the initial capital cost of \$625,970.

The two options that involve Mountain Peak (Options 2 and 3) result in an initial capital cost that is higher than the City option but lower than the on-site well option. These options require the upsizing of an existing water line along Ashford Lane and the installation of a new water line from Ashford Lane to an area within the Lawson Farms Subdivision in order to create a looped system. For the Mountain Peak option (Option 2), the current rates being charged by Mountain Peak were utilized and for the pass-through option (Option 3), a pass-through rate of \$1.00 per 1,000 gallons was used based on discussions with Mountain Peak. As shown in the tables above, these two options result in the highest 4 year operating and 20 year costs.

SPECIAL CONSIDERATION:

Regardless of the option, the current plan for meeting the irrigation needs at the park is for all water to be discharged into one (or both) of the two planned ponds at the park, and then pumped out of the pond(s) as needed. This will enable the park to discharge into the pond(s) at a controlled rate over a longer period of time rather than impacting either entities system by pulling large volumes of water over shorter periods of time. In addition, this will enable the pond(s) to maintain a certain level of water throughout the year.

City and Mountain Peak staff met regarding Mountain Peak's requirements for Options 2 and 3. Both options will require that the same system improvements be made, therefore, the initial capital costs for these two options are the same.

Without knowing the future water rates for both Midlothian and Mountain Peak, in order to keep this assessment consistent, it was assumed that the water rates for both entities would remain the same beginning in 2015-2016 through 2031-2032.

On Thursday, January 16, 2014, this assessment was presented to the City Council Utility Subcommittee and Utility Advisory Board (UAB) for review and discussion. As a result of this discussion, it was the unanimous recommendation of the UAB that this assessment be brought before the City Council for consideration and that due to the uncertainty of Option 4 (on-site well), Option 1 (utilizing Midlothian's water supply system) be selected by the Council.

On Tuesday, March 25, 2014, this agenda item was tabled by the Council and was to be brought back at a future date.

FINANCIAL IMPACT/FUNDING SOURCE:

Funding for any of these options will come from the Community Park bond monies.

ATTACHMENTS:

1. Midlothian Community Park Water Assessment Memorandum

ALTERNATIVES:

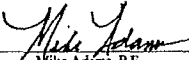
Provide direction to staff.

RECOMMENDATION:

Staff recommends that the City Council direct staff to proceed on the Community Park design utilizing the City's water supply system (Option 1), consistent with the unanimous recommendation of the Utility Advisory Board (UAB) issued on January 16, 2014.

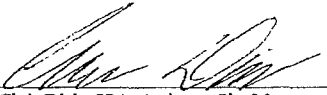
SUBMITTED BY and TO BE PRESENTED BY:

Mike Adams, Executive Director of Engineering & Utilities
For the May 13, 2014 Council meeting


Mike Adams, P.E.
Executive Director of Engineering & Utilities

REVIEWED BY:


Billy A. King
Parks & Recreation Manager

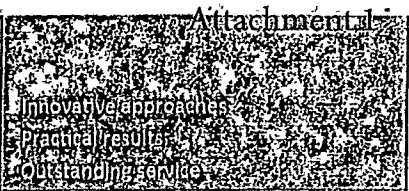

Chris Dick, CPA, Assistant City Manager


Tammy Varner, City Secretary

APPROVED BY:


Don Hastings, City Manager

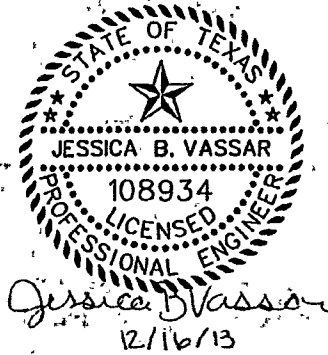
MEMORANDUM



1701 N Market St., #500, LB51 • Dallas, Texas 75202 • 214-217-2200 • fax 214-217-2201

www.freese.com

TO: Mike Adams, P.E.
CC: Eddie Haas, AICP
Jessica Vassar, P.E.
FROM: Dan Prendergast, P.E.
Scott Cole, P.E.
SUBJECT: Midlothian Community Park Water Assessment
DATE: 12/16/13
PROJECT: MDL13336



FREESE AND NICHOLS, INC.
TEXAS REGISTERED
ENGINEERING FIRM
F-2144

FREESE AND NICHOLS, INC.
TEXAS REGISTERED
ENGINEERING FIRM
F-2144

Freese and Nichols Inc. (FNI) was tasked with performing an analysis on short and long term cost implications for providing water service to a planned community park. FNI studied four different options for providing service to the park.

- Option 1: Utilize the City of Midlothian's water supply system to serve the irrigation needs of the park.
- Option 2: Utilize Mountain Peak Special Utility District to serve the irrigation needs of the park.
- Option 3: Utilize Mountain Peak Special Utility District infrastructure, but utilizing a pass-through agreement for service.
- Option 4: Utilize an on-site well for irrigation.

FNI also evaluated utilizing two on-site ponds to store water for irrigation. The park has one existing pond and a second pond would be constructed on the site.

FNI compared both options based on the following criteria:

1. Evaluation of existing infrastructure and proposed infrastructure needed to serve the park with conceptual estimation of probable cost of proposed improvements
2. Analysis of existing and future water rates
3. Analysis of existing drought implementation policies and associated impacts

1. Evaluation of Existing Infrastructure

Criteria/Assumptions:

- o Maximum Demand of 1,063 gpm



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- o \$7/dia-in/ft cost for proposed water line improvements
- o No onsite storage
- o 20% contingency
- o 15% engineering cost

The first option evaluated utilizing the City of Midlothian’s water supply system to serve the park. The City of Midlothian currently has an existing 16-inch waterline running along U.S. 287 bypass at Mount Zion Road. In order to serve the demand of 1,063 gpm, approximately 5,400 linear feet of proposed 12-inch waterline would need to connect from U.S. 287 bypass and run south to the park location (see **Figure 1**). The total estimated cost of improvements is presented in **Table 1**. FNI assumed no fire demand and assumed City would have the ability to shut off park irrigation if emergency occurs within the distribution system. Further investigation is recommended to determine impact on future system operations/improvements.

Table 1: Option 1 Midlothian Water Supply Infrastructure Costs

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	12" Pipe	5,400	LF	\$84	\$453,600
	SUBTOTAL:				\$453,600
	CONTINGENCY			20%	\$90,720
	SUBTOTAL:				\$544,320
	ENG/SURVEY			15%	\$81,650
	TOTAL				\$625,970

The second and third alternatives evaluated using the Mountain Peak Special Utility District infrastructure to serve the park. Mountain Peak Special Utility District currently has a 6-inch waterline running along Ashford Ln from FM 663 to the proposed park site. In order to serve the demand of 1,063 gpm, the 6-inch waterline would need to be upsized to a 12-inch waterline and connected to the existing 12-inch line along Heatherstone Drive for approximately 5,300 linear feet (see **Figure 1**). The 12-inch water line also includes boring and casing under FM 663, two new fire hydrants, and relocating one fire hydrant. The proposed water lines are presented on **Figure 1**. The total estimated cost of improvements is presented in **Table 2**.



Table 2: Option 2 and 3 Mountain Peak Water Supply Infrastructure Costs

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	12" Pipe	5,300	LF	\$84	\$445,200
2	20" Boring and Casing	200	LF	\$300	\$60,000
3	Relocate Fire Hydrant	1	EA	\$1,000	\$1,000
4	Fire Hydrants	2	EA	\$3,500	\$7,000
SUBTOTAL:					\$513,200
CONTINGENCY				20%	\$102,640
SUBTOTAL:					\$615,840
ENG/SURVEY				15%	\$92,380
TOTAL					\$708,220

The fourth option evaluated was drilling on on-site well. The well was assumed to have a depth of 2,500 feet. The park is located in the Prairielands Groundwater Conservation District, and the district will need to approve the well before it can be drilled. Drilling a new well will also require TCEQ approval. The estimated cost of the well for Option 4 is presented in Table 3. Further exploration of this option with a well driller is recommended to develop a more detailed cost estimated.

Table 3: Option 4 On-site Well Water Supply Infrastructure Costs

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	Well	1	EA	\$1,500,000 ⁽¹⁾	\$1,500,000
TOTAL					\$1,500,000

(1) Cost for a turnkey well provided by the City of Midlothian

2. Analysis of Existing and Future Water Rates

Criteria/Assumptions:

- o 2,036,550 GPW
- o 35 weeks per year.

City of Midlothian's water rate increase data was available through the 2015-2016 year. Therefore a four year outlook was first analyzed by using the City of Midlothian's planned rate increases over four years compared to Mountain Peak's 2012-2013 water rate (water rate increase data was not available for Mountain Peak). The pass-through rate for Mountain Peak was assumed to be \$1.00 per 1,000 gallons.

For the on-site wells, the weekly pumping costs were calculated for the well operation. For pumping water, the power required equation is as follows:



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$$P = hQ/3956\eta_p$$

Where P = power required (hp)

h = head added (ft)

Q = flow rate (gpm)

η_p = pump efficiency

Assuming a pump efficiency of 75%, the power required to pump 1,063 gpm from the well at a head of 2,500 feet is:

$$P = (2500 \text{ ft})(1063)/(3956)(0.75) = 896 \text{ hp}$$

Based on the above calculation, the power required for the wells is 896 hp. It is assumed that the pumps will run for 1,118 hours per year to meet the required watering schedule. Assuming an average electrical rate of \$0.10/kW-h and a motor efficiency of 92%, the yearly power cost for pumping can be estimated with the following equation:

$$\text{Cost} = \text{cost per kW-h}(Pt/\eta_m)$$

Where P = power required (hp)

t = time (hr)

η_m = motor efficiency

$$\text{Annual Cost} = (\$0.10/\text{kW-h})(0.7457 \text{ kW/hp})(896 \text{ hp})(1,118 \text{ hr})/(0.92)$$

$$\text{Annual Cost} = \$81,194/\text{year}$$

$$\text{Weekly Cost (assuming 35 weeks)} = \$2,320/\text{week}$$

The well costs also include \$4,000 per month for chemical wellhead treatment and \$30,000 per year for staffing and maintenance costs. A groundwater conservation district fee of \$0.20/1,000 gallons was applied and inflated 3% per year.

Table 4 shows the weekly and yearly cost difference to serve the park based on current water rates over the next 4 years. **Table 5** presents the four year operating cost summary. Water rates and calculations are shown in **Appendix A**.



Table 4: Four Year Weekly and Yearly Costs

2012-2013			2013-2014		
	Weekly Cost	Yearly Cost ⁽¹⁾		Weekly Cost	Yearly Cost ⁽¹⁾
City of Midlothian	\$5,926	\$207,423	City of Midlothian	\$6,273	\$219,540
Mountain Peak	\$19,391	\$678,675	Mountain Peak	\$19,391	\$678,675
Mountain Peak Pass-Through	\$7,963	\$278,702	Mountain Peak Pass-Through	\$8,309	\$290,819
On-Site Well	\$4,507	\$157,755	On-Site Well	\$4,519	\$158,182
2014-2015			2015-2016		
	Weekly Cost	Yearly Cost ⁽¹⁾		Weekly Cost	Yearly Cost ⁽¹⁾
City of Midlothian	\$6,578	\$230,232	City of Midlothian	\$6,904	\$241,637
Mountain Peak	\$19,391	\$678,675	Mountain Peak	\$19,391	\$678,675
Mountain Peak Pass-Through	\$8,615	\$301,511	Mountain Peak Pass-Through	\$8,940	\$312,916
On-Site Well	\$4,532	\$158,623	On-Site Well	\$4,545	\$159,076

(1) Yearly costs are based on 35 weeks

Table 5: Four Year Operating Cost Summary

	Option1: City of Midlothian	Option2: Mountain Peak	Option3: Mountain Peak Pass-Through	Option4: On-Site Well
2012-2013	\$207,423	\$678,675	\$278,702	\$157,755
2013-2014	\$219,540	\$678,675	\$290,819	\$158,182
2014-2015	\$230,232	\$678,675	\$301,511	\$158,623
2015-2016	\$241,637	\$678,675	\$312,916	\$159,076
Total	\$898,831	\$2,714,701	\$1,183,948	\$633,636

3. Analysis of Existing Drought Implementation Policies

Drought implementation policy was the last criteria studied for this analysis. The policies of the City and Mountain Peak were studied in order to see the differences in water restriction implementation during drought. The policies are similar; however, the City of Midlothian limits automatic sprinkler watering at Stage 3. Mountain Peak does not limit irrigation by automatic sprinkler until Stage 4. Limiting irrigation by automatic sprinkler heads would result in increased landscape maintenance costs. More information is needed on the



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history of water restriction implementation for both water districts to better estimate possible monetary impacts. A summary table is provided on **Appendix B**.

4. Analysis of On-site Ponds

FNI evaluated on-site ponds for irrigation. The park has one existing pond and a second proposed pond was evaluated. The desire is for the ponds to maintain a constant water elevation for aesthetic purposes. The proposed pond was assumed to be similar in size to the existing pond. The cost estimate for the ponds is summarized in **Table 6**. Permitting, administrative costs, and source of water were not included in the cost estimate. Water rights costs are difficult to predict and may vary significantly. Using ponds for storage may reduce the infrastructure cost of an on-site well. The existing pond does not have an existing water right. If the existing pond is used for recreation or irrigation it will require a water right. It is recommended that the proposed pond be constructed off-channel with no diversions from the creek to avoid requiring a water right. A memorandum detailing the water rights implications is provided in **Appendix C**.



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Table 6: On-site Ponds Cost Estimate

New Pond				
Site Clearing	1	LS	\$15,000.00	\$15,000
Excavation and Haul	12,100	CY	\$15.00	\$181,500
Headwalls	2	EA	\$3,000.00	\$6,000
Outlet Pipe	50	LF	\$180.00	\$9,000
Rock Riprap	100	SY	\$75.00	\$7,500
Turf Reinforcement Matting	1,400	SY	\$20.00	\$28,000
Block Sod	1,400	SY	\$4.00	\$5,600
Landscaping	1	LS	\$50,000.00	\$50,000
			SUBTOTAL:	\$302,600
Existing Pond				
Outlet Pipe	50	LF	\$180.00	\$9,000
Rock Riprap	100	SY	\$75.00	\$7,500
Care of Water During Construction	1	LS	\$10,000.00	\$10,000
			SUBTOTAL:	\$26,500
			SUBTOTAL:	\$329,100
Erosion and Sediment Controls	1	%	\$3,300	\$3,300
Mobilization	10	%	\$32,900	\$32,900
			SUBTOTAL:	\$365,300
Water Rights	1	LS	\$20,000	\$20,000
			SUBTOTAL:	\$385,300
Contingency	20	%	\$77,100	\$77,100
			SUBTOTAL:	\$462,400
OPINION OF PROBABLE CONSTRUCTION COST:				\$462,400
Engineering	.15	%	\$69,400	\$69,400
			SUBTOTAL:	\$69,400
OPINION OF PROBABLE DESIGN COST:				\$69,400
PROJECT TOTAL				\$531,800
Notes: Permitting, administrative costs, and source of water are not included in this estimate. Water rights costs are difficult to predict and may vary significantly.				

SUMMARY

Based on the cost analysis, the least expensive option is service by on-site well. Constructing on-site wells has lowest cost of operation over the four year time period, but has the highest up front cost. Constructing wells requires approval from multiple agencies and make take longer to implement. Service by the City has the lowest initial infrastructure cost and the second lowest yearly costs. Table 7 shows total estimated costs over a 20-year period. Water rates were held constant for the City and Mountain Peak after year 3 because no data was available, but the groundwater conservation district fee continued to inflate 3% per year.



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


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Table 7: 20 Year Estimated Costs

No. Years	Year	Option 1:	Option 2:	Option 3:	Option 4: On-
		City of Midlothian	Mountain Peak	Mountain Peak Pass-Through	Site Well
		Cost	Cost	Cost	Cost
1	2012-2013	\$833,393	\$1,386,895	\$986,922	\$1,657,755
2	2013-2014	\$219,510	\$678,675	\$290,819	\$158,182
3	2014-2015	\$230,232	\$678,675	\$301,511	\$158,623
4	2015-2016	\$241,637	\$678,675	\$312,916	\$159,076
5	2016-2017	\$241,637	\$678,675	\$312,916	\$159,544
6	2017-2018	\$241,637	\$678,675	\$312,916	\$160,025
7	2018-2019	\$241,637	\$678,675	\$312,916	\$160,521
8	2019-2020	\$241,637	\$678,675	\$312,916	\$161,032
9	2020-2021	\$241,637	\$678,675	\$312,916	\$161,558
10	2021-2022	\$241,637	\$678,675	\$312,916	\$162,099
11	2022-2023	\$241,637	\$678,675	\$312,916	\$162,657
12	2023-2024	\$241,637	\$678,675	\$312,916	\$163,232
13	2024-2025	\$241,637	\$678,675	\$312,916	\$163,824
14	2025-2026	\$241,637	\$678,675	\$312,916	\$164,434
15	2026-2027	\$241,637	\$678,675	\$312,916	\$165,062
16	2027-2028	\$241,637	\$678,675	\$312,916	\$165,709
17	2028-2029	\$241,637	\$678,675	\$312,916	\$166,375
18	2029-2030	\$241,637	\$678,675	\$312,916	\$167,061
19	2030-2031	\$241,637	\$678,675	\$312,916	\$167,768
20	2031-2032	\$241,637	\$678,675	\$312,916	\$168,496
20 Year Total		\$5,390,958	\$14,281,724	\$6,898,823	\$4,753,034

Option 1 and Option 4 are the lowest cost alternatives. For Option 4, the reliability and availability of groundwater as long-term supply needs to be considered.

Figure 1

-  Proposed WL
-  Park Site
-  Existing Water
-  Midlothian City Limits
-  Streams
-  Lakes



0 500 1,000 Feet

City of Midlothian
Prop 12" WL

Midlothian
Community
Park

Mt. Peak
Prop 12" WL

Appendix A

Appendix A

2012-2013 City of Midlothian Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate	Cost	
2036550	2036 55	\$2.91	\$5,926.36	
Weekly Cost of City Water Service				\$5,926.36

2013-2014 City of Midlothian Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate	Cost	
2036550	2036 55	\$3.08	\$6,272.57	
Weekly Cost of City Water Service				\$6,272.57

2014-2015 City of Midlothian Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate	Cost	
2036550	2036 55	\$3.23	\$6,578.06	
Weekly Cost of City Water Service				\$6,578.06

2015-2016 City of Midlothian Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate	Cost	
2036550	2036 55	\$3.39	\$6,903.90	
Weekly Cost of City Water Service				\$6,903.90

2012-2013 Mountain Peak Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate*	Cost	
0-1000	1	\$22.84	\$22.84	
1001-5000	5	\$4.00	\$20.00	
5001-10000	5	\$4.66	\$23.30	
10001-20000	10	\$5.40	\$54.00	
20001-30000	10	\$6.00	\$60.00	
30001-40000	10	\$6.60	\$66.00	
40001-50000	10	\$7.40	\$74.00	
50001-2036550	1986 55	\$9.60	\$19,070.88	
Weekly Cost of Mountain Peak Water Service				\$19,390.72

2013-2014 Mountain Peak Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate*	Cost	
0-1000	1	\$22.84	\$22.84	
1001-5000	5	\$4.00	\$20.00	
5001-10000	5	\$4.66	\$23.30	
10001-20000	10	\$5.40	\$54.00	
20001-30000	10	\$6.00	\$60.00	
30001-40000	10	\$6.60	\$66.00	
40001-50000	10	\$7.40	\$74.00	
50001-2036550	1986 55	\$9.60	\$19,070.88	
Weekly Cost of Mountain Peak Water Service				\$19,390.72

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30001-40000	10	\$6.60	\$66.00	
40001-50000	10	\$7.40	\$74.00	
50001-2036550	1986 55	\$9.60	\$19,070.88	
Weekly Cost of Mountain Peak Water Service				\$19,390.72

2015-2016 Mountain Peak Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate*	Cost	
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1001-5000	5	\$4.00	\$20.00	
5001-10000	5	\$4.66	\$23.30	
10001-20000	10	\$5.40	\$54.00	
20001-30000	10	\$6.00	\$60.00	
30001-40000	10	\$6.60	\$66.00	
40001-50000	10	\$7.40	\$74.00	
50001-2036550	1986 55	\$9.60	\$19,070.88	
Weekly Cost of Mountain Peak Water Service				\$19,390.72

2012-2013 Mountain Peak Pass-through Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate	Cost	
2036550	2036 55	\$3.91	\$7,962.91	
Weekly Cost of City Water Service				\$7,962.91

2013-2014 Mountain Peak Pass-through Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate	Cost	
2036550	2036 55	\$4.08	\$8,309.12	
Weekly Cost of City Water Service				\$8,309.12

2014-2015 Mountain Peak Pass-through Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate	Cost	
2036550	2036 55	\$4.23	\$8,614.61	
Weekly Cost of City Water Service				\$8,614.61

2015-2016 Mountain Peak Pass-through Weekly Water Cost (2,036,550 GPW)				
Usage (gal)	Units	Water Rate	Cost	
2036550	2036 55	\$4.39	\$8,940.45	
Weekly Cost of City Water Service				\$8,940.45

2012-2013 On-Site Well Weekly Water Cost (2,036,550 GPW)				
Item	Units	Water Rate	Cost	
Groundwater Conservation District Fee per 1000 gallons	2036 55	\$0.20	\$407.31	
Chemical Well Head				
Treatment	1	\$919.96	\$919.96	
Staff Operations	1	\$860.00	\$860.00	
Pumping Costs	1	\$2,320.00	\$2,320.00	
Weekly Cost of City Water Service				\$4,507.27

2013-2014 On-Site Well Weekly Water Cost (2,036,550 GPW)				
Item	Units	Water Rate	Cost	
Groundwater Conservation District Fee per 1000 gallons	2036 55	\$0.21	\$419.53	
Chemical Well Head				
Treatment	1	\$919.96	\$919.96	
Staff Operations	1	\$860.00	\$860.00	
Pumping Costs	1	\$2,320.00	\$2,320.00	
Weekly Cost of City Water Service				\$4,519.49

2014-2015 On-Site Well Weekly Water Cost (2,036,550 GPW)				
Item	Units	Water Rate	Cost	
Groundwater Conservation District Fee per 1000 gallons	2036 55	\$0.21	\$432.12	
Chemical Well Head				
Treatment	1	\$919.96	\$919.96	
Staff Operations	1	\$860.00	\$860.00	
Pumping Costs	1	\$2,320.00	\$2,320.00	
Weekly Cost of City Water Service				\$4,532.04

2015-2016 On-Site Well Weekly Water Cost (2,036,550 GPW)				
Item	Units	Water Rate	Cost	
Groundwater Conservation District Fee per 1000 gallons	2036 55	\$0.22	\$445.08	
Chemical Well Head				
Treatment	1	\$919.96	\$919.96	
Staff Operations	1	\$860.00	\$860.00	
Pumping Costs	1	\$2,320.00	\$2,320.00	
Weekly Cost of City Water Service				\$4,545.04

* Mountain Peak water rates were not increased from 2013 current rates

Appendix B

Appendix B

Drought Implementation Policy Comparison			
City of Midlothian		Mountain Peak	
Stage	Response	Stage	Response
1	Landscape irrigation limited to twice a week (varying by odd/even addresses)	1	Landscape Irrigation limited to twice a week between (8pm and 10am)
2	Landscape Irrigation limited to twice a week - Require reductions by City facilities and operations of non-essential water use and reductions in landscape watering	2	Landscape irrigation limited to twice a week between (8pm and 9am)
3	Watering allowed only by drip irrigation or hand held buckets or hoses - water rationing initiated	3	twice a week - watering by automatic sprinkler system is allowed. Hose end sprinklers are not allowed
4	Irrigation of landscaped areas is prohibited	4	Automatic sprinkler watering not allowed - hand watering and drip irrigation of landscape allowed between 6am-10am and 8pm-12am twice a week
Emergency	Outdoor water uses are prohibited (including foundation watering)	5	Watering landscape is prohibited
		6	Water Allocation

Appendix C

MEMORANDUM



Innovative approaches
Practical results
Outstanding service

4055 International Plaza, Suite 200 • Fort Worth, Texas 76109 • 817-735-7300 • fax 817-735-7491

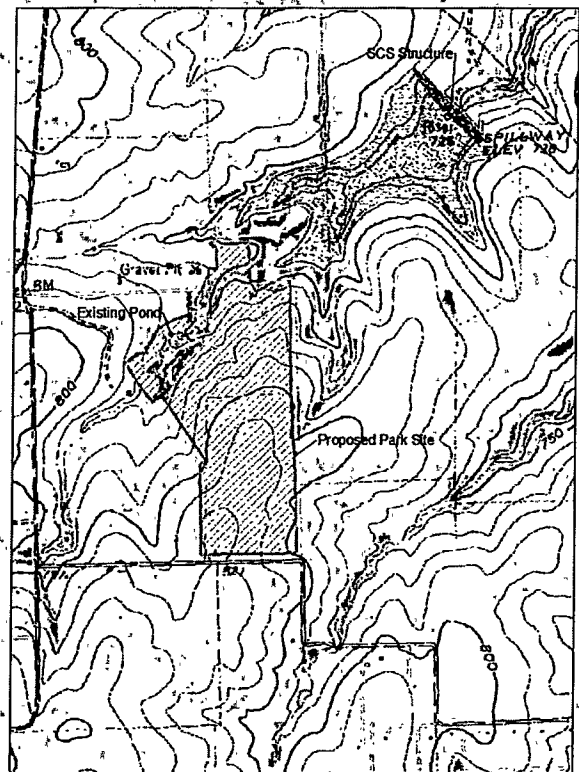
www.freese.com

TO: File
CC: Jessica Vassar, P.E.; Jon Albright
FROM: Jeremy Rice
SUBJECT: Midlothian Community Park Assessment Evaluation of On-Site Ponds
DATE: December 16, 2013
PROJECT: MDL13336

Freese and Nichols performed an evaluation of one existing and one proposed pond for a park in Midlothian, Texas. This memorandum provides the results of a water right review and water availability analysis for both ponds.

Water Right Review

Based on a review of USGS quad maps it was determined that the existing pond is on a water course and therefore impounds state water (Figure 1). Reviewing the current water rights database it was determined that this pond does not have a water right. As long as this pond is used only for domestic and livestock purposes, it is exempt and does not require a water right. Changing the purpose from domestic and livestock to recreation purposes and/or using the pond for irrigation diversions will require a water right. The City can obtain a water right from the state by applying to the Texas Commission on Environmental Quality (TCEQ). As part of the water right the City will be required to add an outlet structure to the existing pond to make releases for



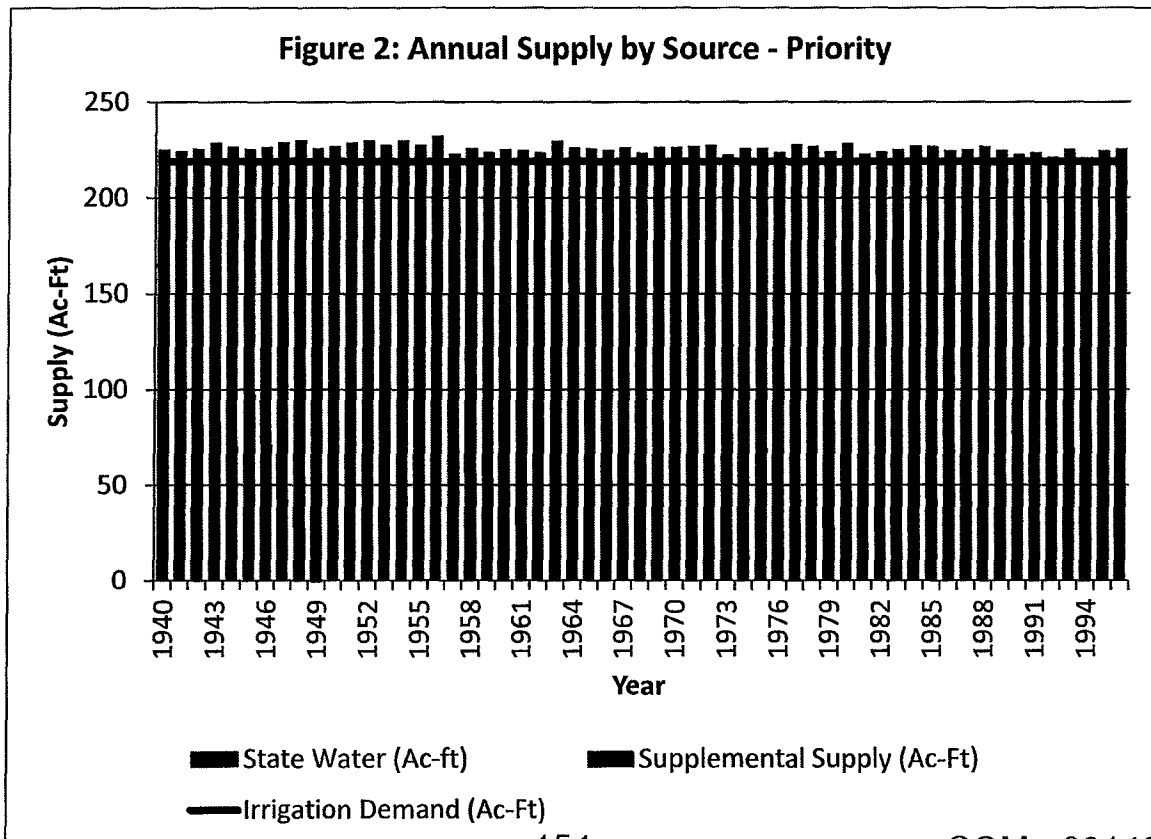
Legend
● W.R. No. 1
■ Park Site
■ Existing Pond
Figure 1: USGS Quad Location Map

downstream senior water rights. The analysis assumed the second pond will not be built on a watercourse and will not require a water right.

Availability Analysis

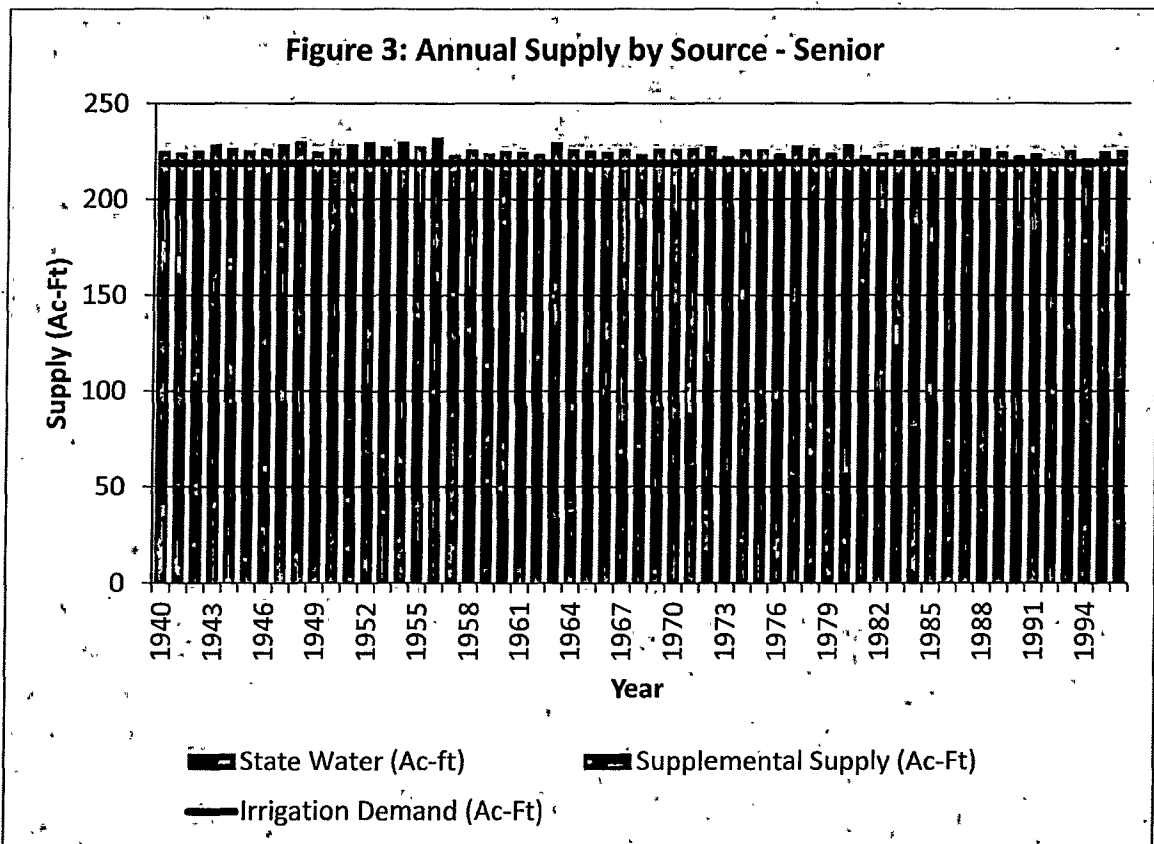
In order to evaluate the state water available for appropriation the existing pond was modeled using the TCEQ Trinity Water Availability Model (WAM). (State water would be the natural inflow into the pond and would not include supplemental water imported into the pond from an alternative source.) Based on this analysis, there is insufficient water to permit the pond by itself. Current TCEQ practice would require that the pond be kept full of water from an alternative source to minimize impacts on existing water rights.

The surface area of the current pond is approximately 2.5 acres calculated using existing aerials. The depth was calculated using the current pool elevation and the flow line downstream of the creek below the pond. The irrigation demand provided was 2 million gallons per week for 35 weeks of the year or 219 acre-feet per year. **Figure 2** shows the source of supply (appropriated state water or supplemental water) assuming that all of the irrigation demand comes from the existing pond. An average of approximately 38 acre-feet per year of state water would be available for diversion, with no water available in many years. In those years both water to keep the pond full and water to meet irrigation demands would need to be provided from the alternative source. The maximum demand to keep the pond full plus evaporation loss is 233 acre-feet.



Water rights in Texas are determined on priority basis (first in time, first in right). The analysis for the water right was done assuming that water already appropriated by senior water rights was passed through the pond. An additional analysis was performed to determine how the pond would perform if no inflows were passed to downstream senior water rights. Figure 3 shows the source of supply (appropriated state water or supplemental water) assuming that all of the irrigation demand comes from the existing pond and the pond is able to hold all inflows. This increases the average amount of the state water available to 88 acre-feet per year. The maximum demand to keep the pond full plus evaporation under this assumption is 214 acre-feet.

In both cases in order to keep the pond full the city would need to supplement the supply from another source if used for irrigation, or use the pond as a recreation feature and makeup the amount of evaporation.



Proposed Pond

It is recommended that the proposed pond be off-channel with no diversions from the creek to avoid requiring a water right. The surface area of the proposed pond will determine the amount of evaporation that will occur. It is

December 16, 2013

Page 4 of 4

reasonable to assume a similar amount of evaporation lost as the existing pond. This requires a total demand of approximately 247 acre-feet per year to maintain both pond elevations and meet the irrigation demand.

**MINUTES
REGULAR COUNCIL MEETING
MAY 13, 2014**

The City Council of the City of Midlothian convened in a Regular Meeting in the Council Chambers of City Hall, 104 West Avenue E, with the meeting open to the public and notice of said meeting posted as prescribed by V.T.C.A., Government Code, Chapter 551, with the following members present to-wit:

Bill Houston	§	Mayor
Wayne Sibley	§	Councilmember Place 1
Mike Rodgers	§	Councilmember Place 2
Jimmie L. McClure	§	Councilmember Place 3
Joe Frizzell	§	Mayor Pro Tem Place 4
T. J. Henley	§	Councilmember Place 5 @ 6:22 p.m.
Ted Miller	§	Councilmember Place 6

REGULAR AGENDA

Mayor Houston called the meeting to order at 6:07 p.m. with notice of the meeting duly posted and a quorum present. Mayor pro tem Frizzell gave the invocation and led in the pledges.

2014-173 ANNOUNCEMENTS/PRESENTATIONS

a. Administer Oath of Office to the Mayor and Councilmembers Place 1 and 2

Hon. Steve Egan, Justice of the Peace #4 administered the oaths of office to Mayor Houston and Councilmembers Sibley and Rodgers

b. Elect Mayor pro tem

Mayor Houston moved to nominate Joe Frizzell as Mayor pro tem. Motion was seconded by Councilmember McClure and carried unanimously (6-0).

c. Community Affairs calendar

May 17th, 24th & 31st – Downtown Farmer’s Market from 8:00am-1:00pm at Heritage Park
May 17th - 8th Street Dance featuring the Midtown Playboys Band at 6:00 p.m.

d. Proclamation designating May 15 as Police Officers Memorial Day

Mayor Houston presented the proclamation to Police Chief Carl Smith

e. Recognition of Midlothian Community Emergency Response Team (“CERT”) for community service and support

Mayor Houston presented CERT representative Marilyn Jones with a plaque of recognition

f. Recognition of Leadership Midlothian Class of 2014 for its downtown beautification project “Midlothian in Bloom”

Mayor Houston presented representatives of the Leadership Midlothian Class of 2014 with a plaque of recognition

g. Administrative announcements related to personnel

None were received

2014-174 CITIZENS TO BE HEARD

None to be heard

CONSENT AGENDA

2014-175 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF APRIL 22 AND MAY 6, 2014

- 2014-176 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE CHAMBER OF COMMERCE WINE WALK HOSTED BY THE MIDLOTHIAN CHAMBER OF COMMERCE SCHEDULED FOR THURSDAY, MAY 22, 2014, IN ACCORDANCE WITH THE 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. SEP21-2013)
- 2014-177 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE MIDLOTHIAN MEADOWS V & VI HOA BLOCK PARTY, LOCATED AND HOSTED BY PROPERTY OWNERS IN A SECTION OF MIDLOTHIAN MEADOWS, SCHEDULED FOR SUNDAY, MAY 18, 2014, 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. SEP22-2013)
- 2014-178 CONSIDER AND ACT UPON THREE INTERLOCAL AGREEMENTS BETWEEN THE MIDLOTHIAN INDEPENDENT SCHOOL DISTRICT AND THE CITY OF MIDLOTHIAN, TEXAS FOR THE ASSIGNMENT OF A POLICE SERGEANT AND TWO POLICE OFFICERS TO MISD FOR THE 2014-15 SCHOOL YEAR
- 2014-179 CONSIDER AND ACT UPON A RESOLUTION AUTHORIZING THE USE OF A TEMPORARY CONCRETE BATCH PLANT IN WINDERMERE ESTATES, PHASE ONE AND TWO, FOR THE PURPOSE OF DEVELOPING A NEW SUBDIVISION OF SINGLE-FAMILY HOMES, INCLUDING STREETS, WITHIN A RESIDENTIAL DISTRICT AND PROVIDING FOR PROCEDURES ESTABLISHED BY THE TEXAS LOCAL GOVERNMENT CODE AND CITY ORDINANCE; PROVIDING FOR CONDITIONS AND EXEMPTIONS; AND SETTING AN EFFECTIVE DATE AND TERMINATION DATE (CASE NO. M10-2013-63)
- 2014-180 CONSIDER AND ACT UPON A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLOTHIAN, TEXAS, DENYING THE RATE INCREASE REQUESTED BY ATMOS ENERGY CORP., MID-TEX DIVISION UNDER THE COMPANY'S 2014 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES PERTAINING TO REVIEW OF THE RRM; AUTHORIZING THE CITY'S PARTICIPATION WITH ATMOS CITIES STEERING COMMITTEE IN ANY APPEAL FILED AT THE RAILROAD COMMISSION OF TEXAS BY THE COMPANY; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES IN ANY SUCH APPEAL TO THE RAILROAD COMMISSION; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL

Councilmember Sibley moved to approve the Consent Agenda as presented. Motion was seconded by Mayor pro tem Frizzell and carried unanimously (6-0).

PUBLIC HEARINGS

- 2014-181 CONDUCT A PUBLIC HEARING REGARDING THE MIDLOTHIAN COMMUNITY PARK WATER ASSESSMENT, AS PREPARED BY FREESE AND NICHOLS, INC., AND DIRECT STAFF AS APPROPRIATE

Mayor Houston opened the Public Hearing and Mike Adams presented the Community Park Water Assessment. With no public input received, Mayor pro tem Frizzell moved to close the Public Hearing. Motion was seconded by Councilmember Sibley and carried unanimously (6-0). Mayor pro tem Frizzell moved to approve Option 1 of the water assessment study as presented (utilization of the City of Midlothian's water supply system to serve the irrigation needs of the Community Park.) Motion was seconded by Councilmember McClure and carried unanimously (6-0).

Councilmember Henley arrived at 6:22 p.m.

REGULAR AGENDA

2014-182 CONSIDER AND ACT UPON AN ORDINANCE AMENDING ORDINANCE NO. 2014-12, ADOPTED ON APRIL 22, 2014, AFFECTING ARTICLE 10, IMPACT FEES, OF THE CITY OF MIDLOTHIAN SUBDIVISION REGULATIONS ORDINANCE 88-14, AS AMENDED, AS ESTABLISHED BY ORDINANCE NO. 99-12, AS AMENDED, SPECIFICALLY AMENDING *IMPACT FEE SCHEDULE 2 - RESIDENTIAL*, TO CONSIDER AN IMPLEMENTATION SCHEDULE FOR THE ASSESSMENT OF REVISED IMPACT FEES FOR RESIDENTIAL ROADWAYS. (CASE NO. M12-2013-72)

Kevin Lasher explained that the Item is being revisited in order to determine the effective date of the ordinance that was approved by Council on April 22. Mayor Houston moved to bring the Item back as a public hearing, in order to allow local builders and developers an opportunity to express their viewpoints regarding the effective date of the ordinance amendment. Motion died for lack of a second. After further discussion, Mayor pro tem Frizzell moved to table Item 2014-182, reset the Item for a public hearing to correct the effective date of Ordinance 2014-12 passed by City Council on April 22, 2014 and in the interim period, retain the existing residential roadway impact fee schedule. Motion was seconded by T. J. Henley and carried unanimously (7-0). Terry Weaver, 815 W. Main St, addressed Council and requested consideration be given to allow submitted planned developments with approved preliminary plats that will be final platted within 12 months, to be grandfathered in under the current impact fee schedule.

2014-183 CONSIDER AND ACT UPON A PETITION FOR THE VOLUNTARY ANNEXATION OF ±1.4109 ACRES OF LAND, ACCORDING TO TEXAS LOCAL GOVERNMENT CODE, SECTION 43.028. SUBJECT PROPERTY IS LOTS 16-19, BLOCK 5 IN THE SKYLINE ACRES ADDITION, BEING LOCATED NORTH OF TAYMAN DRIVE AND ±249 FEET EAST OF MELVIN STREET, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN, TEXAS; AND, IF THE PETITION IS GRANTED, ADOPT AN ORDINANCE TO ANNEX THE AREA LYING WITHIN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN THAT IS CONTIGUOUS AND ADJACENT TO THE PRESENT BOUNDARIES OF THE CITY OF MIDLOTHIAN, TEXAS. (CASE NO. AX05-2013-62)

Kevin Lasher presented the petition for voluntary annexation. Ted Miller moved to approve Item 2014-183 as presented. Motion was seconded by Mike Rodgers and carried unanimously (7-0).

2014-184 CONSIDER AND ACT UPON AN ORDINANCE EXTENDING THE MUNICIPAL BOUNDARY LIMITS OF THE CITY OF MIDLOTHIAN, TEXAS, BY VOLUNTARY ANNEXATION OF ± 1.4109 ACRES OF LAND (THE ANNEXATION AREA) IN ACCORDANCE TO CHAPTER 43.028 OF THE TEXAS LOCAL GOVERNMENT CODE. SAID ANNEXATION AREA IS LOTS 16-19, BLOCK 5 IN THE SKYLINE ACRES ADDITION, BEING LOCATED NORTH OF TAYMAN DRIVE AND 249 FEET EAST OF MELVIN STREET, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN, TEXAS AND ADJOINING THE PRESENT BOUNDARY LIMITS; PROVIDING THAT THE ANNEXED PROPERTY SHALL BE SUBJECT TO THE AD VALOREM TAXES LEVIED BY THE CITY OF MIDLOTHIAN AND THAT THE INHABITANTS OF THE ANNEXED PROPERTY SHALL BE ENTITLED TO ALL RIGHTS AND PRIVILEGES OF ALL THE REGULATIONS OF THE CITY OF MIDLOTHIAN NOW IN EFFECT AND HEREINAFTER ADOPTED; ANNEXATION AREA BEING FULLY DESCRIBED IN THE EXHIBITS "A & B" ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE (CASE NO. AX05-2013-62)

Mayor pro tem Frizzell moved to approve Item 2014-184 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2014-185 CONSIDER AND ACT UPON A RECOMMENDATION FROM THE MIDLOTHIAN ECONOMIC DEVELOPMENT BOARD OF DIRECTORS ON APPROVAL OF THE DEVELOPMENT BUDGET FOR THE NEW BUSINESS PARK TO BE BUILT ON LAND PURCHASED BY MIDLOTHIAN ECONOMIC DEVELOPMENT AT THE NW CORNER OF MILLER ROAD AND HIGHWAY 67

Larry Barnett provided a brief summary of the proposed \$4,800,000 budget for development of utilities and roads for Phase I of the proposed industrial park and an additional \$450,000 for Miller Road engineering and improvements, as approved by the Midlothian Economic Development Board. Mayor Houston moved to approve the proposed budget, subject to the removal of the \$100,000 contribution by the City of Midlothian for the development of Miller Road and a waiver of the 3% construction inspection fees. Motion was seconded by Mike Rodgers and carried unanimously (7-0).

2014-186 CONSIDER AND ACT UPON A RECOMMENDATION FROM THE MIDLOTHIAN ECONOMIC DEVELOPMENT BOARD OF DIRECTORS TO APPROVE A "DEVELOPMENT AGREEMENT" AND "AMENDMENT TO DEVELOPMENT AGREEMENT" WITH UNITED PROPERTIES SOUTHWEST, LLC AS PROJECT MANAGER FOR MIDLOTHIAN BUSINESS PARK

Larry Barnett presented the Development Agreement dated December 17, 2013 and the related amendment dated April 18, 2014 executed by and between Midlothian Economic Development and United Properties Southwest, LLC. Mayor pro tem Frizzell moved to approve Item 2014-186 as presented, subject to clarification that any reference to "Midlothian Business Park" shall be known as "Midlothian Industrial Park." Motion was seconded by Councilmember Rodgers and carried unanimously (7-0).

2014-187 CONSIDER AND ACT UPON A RECOMMENDATION FROM THE MIDLOTHIAN ECONOMIC DEVELOPMENT BOARD OF DIRECTORS TO APPROVE AN AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES WITH PACHECO KOCH TO PROVIDE CIVIL ENGINEERING AND RELATED SERVICES FOR MIDLOTHIAN BUSINESS PARK

Larry Barnett presented the contract and scope of services agreement executed by and between Midlothian Economic Development and Pacheco Koch, LLC, dated May 5, 2014. Mayor Houston moved to approve Item 2014-187 as presented. Motion was seconded by Councilmember McClure and carried unanimously (7-0).

2014-188 REVIEW AND APPROVE A DRAFT AGENDA FOR THE JUNE 3RD CITY COUNCIL WORKSHOP; REVIEW CITY COUNCIL PRIORITIZED ISSUES/PROJECTS LIST; AND DIRECT STAFF AS NECESSARY

Don Hastings recommended and it was the consensus of City Council to delay the Capital Improvements Plan topic originally scheduled for June 3 to the July 1 workshop, and the topics for the June 3 workshop to include potential Uniform Housing Code amendment and Comprehensive Plan Steering Committee selection.

With there being no updates to receive, Executive Session was cancelled.

EXECUTIVE SESSION

1. SECTION 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
2. SECTION 551.072 REAL ESTATE: DELIBERATION REGARDING REAL PROPERTY - TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY
3. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING SUPREME COURT OF TEXAS CAUSE NO. 10-0150, ECOM REAL ESTATE MANAGEMENT, INC. V. CITY OF MIDLOTHIAN, TEXAS.
4. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY BASED ON AN ETHICAL DUTY TO ADVISE REGARDING POTENTIAL LITIGATION

REGULAR AGENDA

2014-189 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: ECONOMIC DEVELOPMENT

Executive Session was cancelled.

2014-190 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: REAL ESTATE

Executive Session was cancelled.

2014-191 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: ECOM

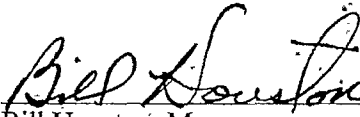
Executive Session was cancelled.

2014-192 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: CONTEMPLATED LITIGATION

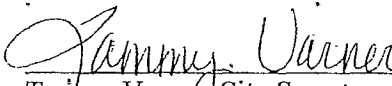
Executive Session was cancelled.

2014-193 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 7:30 p.m.


Bill Houston, Mayor

ATTEST:


Tammy Varner, City Secretary

Mike Adams

From: Jeff Love <JLove@ndmce.com>
Sent: Monday, November 09, 2015 10:23 AM
To: Billy King
Cc: Mike Adams; Scott Morrow; dsims@dssland.com
Subject: FW: Midlothian Community Park - Water Services

Billy,

See email below regarding the reduction in size of the water lines we discussed this morning. If the demand assumption and the resulting pressures for the four scenarios are acceptable to the City, you should be able to make the line diameter reductions beyond the fire lead as discussed.

Thanks.

Jeff M. Love, P.E.

Nathan D. Maier Consulting Engineers, Inc.

Two Park Lane Place
8080 Park Lane, Suite 600
Dallas, Texas 75231
P (214) 739-4741 ext 209
F (214) 739-5961
C (903) 456-4487

From: Jeffery Ginn
Sent: Monday, November 09, 2015 9:09 AM
To: Jeff Love
Cc: Gary Dreighton
Subject: Midlothian Community Park - Water Services

Jeff,

I changed the 3 lines marked up to 2" and saw what kind of flows could be provided to these 3 locations with no other demands from the system.

Maintain minimum 35psi everywhere:

1. 75 gpm to the concessions/restrooms – no flow to either athletic field
2. 40 gpm to the concessions/restrooms and 15 gpm to each side of the athletic field.
3. 46 gpm to the near side athletic field – no flow to far side stands or concessions.
4. 37 gpm to the far side athletic field – no flow to near side or concessions.

The City should also be able to apply 1 fire flow demand to the system and maintain 20 psi under the above conditions.

Mike Adams

From: Mike Adams
Sent: Thursday, November 05, 2015 4:56 PM
To: Billy King; Greg
Cc: Brad Owens; Scott Morrow
Subject: RE: 11-007 - DRAFT Water Supply Analysis

All,

What was discussed for Phase 1 was the minimum design with the inclusion of a 16"x16" tee and blind flange at the future park drive approach (at the point where the 16" reduces to the 12"). This was based on being able to meet fire flow requirements with the minimum design, while still having the ability to serve Phase 2 by tying onto the 16" tee and looping the system through Phase 2 back to the 12" line in Phase 1 with either a 16" or 12" main (depending on the water needs of the next phase).

If further clarification or explanation is needed or if you'd like to discuss, please let me know.

Thanks,
Mike

Mike Adams, P.E.
City of Midlothian
Executive Director of Engineering & Utilities
972-775-7105



From: Billy King
Sent: Thursday, November 05, 2015 11:58 AM
To: Greg
Cc: Brad Owens; Mike Adams; Scott Morrow
Subject: Re: 11-007 - DRAFT Water Supply Analysis

I'm going to let Mike address this issue.

Billy

Sent from my iPhone

On Nov 5, 2015, at 9:57 AM, Greg <greg@dean-construction.com> wrote:

Billy,
Just to confirm we are going with the minimum design and not the recommended design.
Thanks
Greg

From: Dennis Sims [mailto:dsims@dssland.com]
Sent: Wednesday, November 4, 2015 5:05 PM
To: Greg <greg@dean-construction.com>
Subject: FW: 11-007 - DRAFT Water Supply Analysis

fee.

Dennis G. Sims, RLA, ASLA



DUNKIN SIMS STOFFELS, INC
Landscape Architects/Planners

622 West State Street
Garland, Texas 75040
(T) 214-553-5778
(F) 214-553-5781

From: Jeff M. Love [mailto:jlove@ndmce.com]
Sent: Wednesday, November 04, 2015 4:38 PM
To: Dennis G. Sims <dsims@dssland.com>
Subject: FW: 11-007 - DRAFT Water Supply Analysis

Dennis,

See attached document. Mike later said that the City wanted to pursue the Minimum design configuration.

Jeff M. Love, P.E.

Nathan D. Maier Consulting Engineers, Inc.
Two Park Lane Place
8080 Park Lane, Suite 600
Dallas, Texas 75231
P (214) 739-4741 ext 209
F (214) 739-5961
C (903) 456-4487

From: Jeff M. Love [mailto:jlove@ndmce.com]
Sent: Friday, September 11, 2015 8:16 AM
To: Mike Adams; Dennis Sims; Billy King
Cc: Scott Morrow; Kevin Lasher
Subject: RE: 11-007 - DRAFT Water Supply Analysis

Mike,

That was my mistake. I needed to merge the exhibit into the document. See attached.

Jeff M. Love, P.E.

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Two Park Lane Place
8080 Park Lane, Suite 600
Dallas, Texas 75231
P (214) 739-4741 ext 209
F (214) 739-5961
C (903) 456-4487

From: Mike Adams [<mailto:Mike.Adams@Midlothian.tx.us>]
Sent: Friday, September 11, 2015 7:40 AM
To: Dennis Sims; Billy King
Cc: Scott Morrow; Kevin Lasher; 'Jeff M. Love'
Subject: RE: 11-007 - DRAFT Water Supply Analysis

Dennis,

An exhibit is referenced in this report (pipe layout and size) but wasn't part of what you emailed. Can you send over the exhibit(s) as well?

Thanks,
Mike

Mike Adams, P.E.
City of Midlothian
Executive Director of Engineering & Utilities
972-775-7105



From: Dennis Sims [<mailto:dsims@dssland.com>]
Sent: Thursday, September 10, 2015 9:44 AM
To: Billy King
Cc: Mike Adams; Scott Morrow; Kevin Lasher; 'Jeff M. Love'
Subject: FW: 11-007 - DRAFT Water Supply Analysis

All
Attached is Jeff's analysis of the water line size from 287. This is a draft and is submitted for your review.
Thanks
Dennis

Dennis G. Sims, RLA, ASLA



DUNKIN SIMS STOFFELS, INC
Landscape Architects/Planners

622 West State Street
Garland, Texas 75040
(T) 214-553-5778
(F) 214-553-5781

From: Jeff M. Love [<mailto:jlove@ndmce.com>]
Sent: Wednesday, September 09, 2015 4:52 PM
To: Dennis G. Sims <dsims@dssland.com>
Cc: Bob Stoffels <bstoffels@dssland.com>
Subject: 11-007 - DRAFT Water Supply Analysis

Dennis,

See attached draft analysis of the proposed water supply line to the park property. This draft addresses the items we discussed by phone and should be ready to send to the City for their review. Any comments the City may have we can discuss and address for a final document.

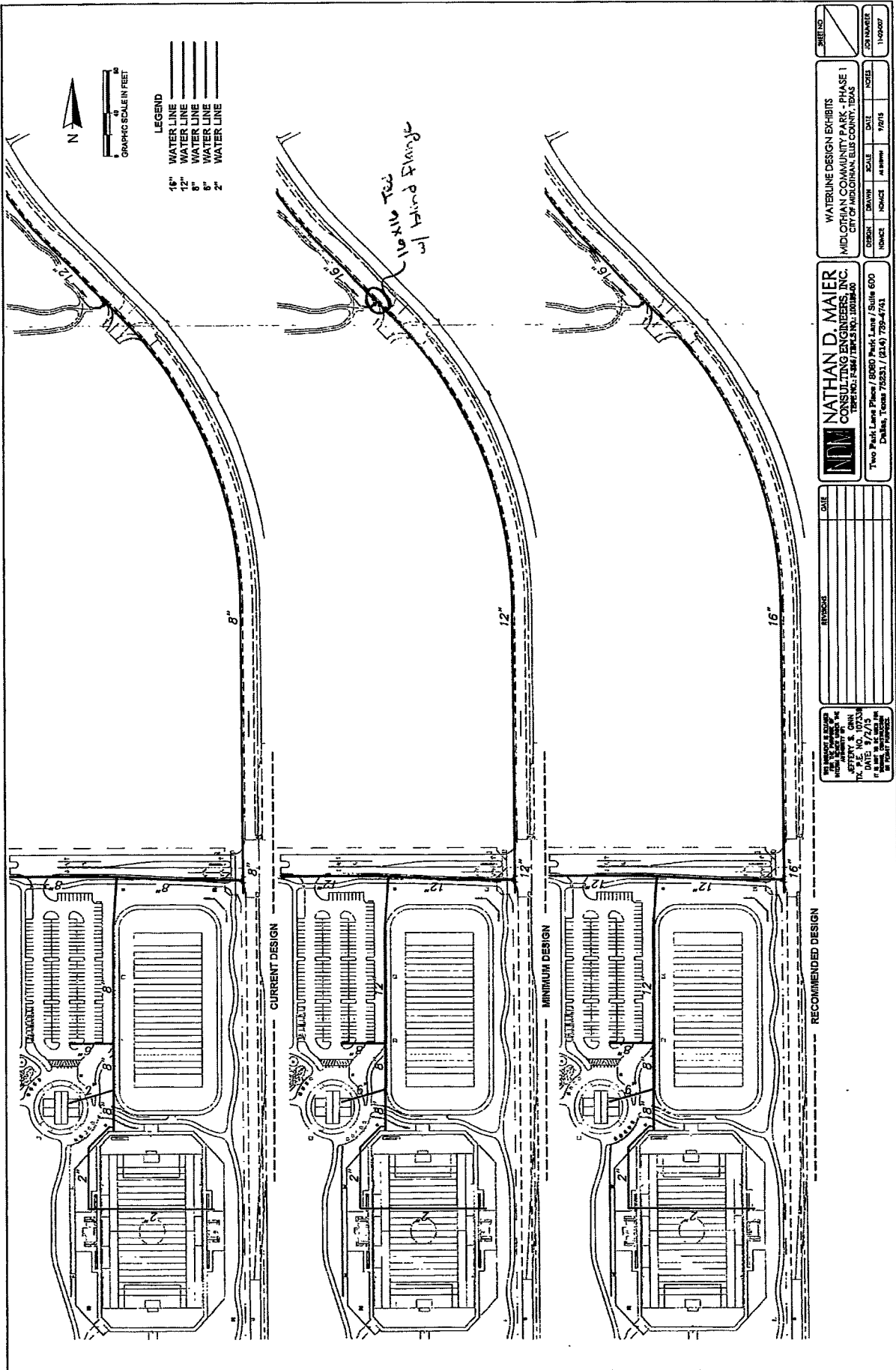
Thanks.

Jeff M. Love, P.E.

Nathan D. Maier Consulting Engineers, Inc.

Two Park Lane Place
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Dallas, Texas 75231
P (214) 739-4741 ext 209
F (214) 739-5961
C (903) 456-4487

<11-007_Community Park_14th Street Water Supply Hydraulic Analysis_draft04.pdf>



NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
 10000 N. DALLAS HIGHWAY, SUITE 1000
 DALLAS, TEXAS 75243-1000
 TEL: 972-412-1100
 FAX: 972-412-1101
 E-MAIL: nmaier@ndmaier.com

WATERLINE DESIGN EXHIBITS
 MID-CITY IN COMMUNITY CENTER, PHASE I
 CITY OF INDEPENDENT COUNTY, TEXAS

DESIGNER: NDMAIER SCALE: AS SHOWN DATE: 7/2/15
 CHECKER: J. GIBSON DATE: 7/2/15
 ESTIMATOR: 1140007

NO.	REVISIONS	DATE

Mike Adams

From: Jeff M. Love <jlove@ndmce.com>
Sent: Tuesday, September 15, 2015 8:36 AM
To: Mike Adams; Dennis Sims; Billy King
Cc: Scott Morrow; Kevin Lasher
Subject: RE: 11-007 - DRAFT Water Supply Analysis.

Mike,

The configuration shown in the sketch has not been studied as part of this analysis. The actual demands and locations of facilities within Phase 2 are not understood well enough yet to be able to provide a more detailed analysis for Phase 2, however, the results of the initial analysis indicated that adequate pressures should be available based on the recommended configuration. Once actual Phase 2 demand locations are identified, the results may vary somewhat. The point of connection at US 287 for the studied configuration or this configuration is still the same with the same losses down to the park property. Extending the 16 inch line further into the park will provide better pressure than stopping at the northern entrance indicated on the sketch. We can study the configuration included on your sketch if you want us to do so. We estimate it will take a couple of days to go through that. Let me know if you want us to do that.

Thanks.

Jeff M. Love, P.E.

Nathan D. Maier Consulting Engineers, Inc.

Two Park Lane Place
8080 Park Lane, Suite 600
Dallas, Texas 75231
P (214) 739-4741 ext 209
F (214) 739-5961
C (903) 456-4487

From: Mike Adams [mailto:Mike.Adams@Midlothian.tx.us]
Sent: Monday, September 14, 2015 11:37 AM
To: Jeff M. Love; Dennis Sims; Billy King
Cc: Scott Morrow; Kevin Lasher
Subject: RE: 11-007 - DRAFT Water Supply Analysis

Thanks Jeff. As part of the analysis, was the attached concept modeled (essentially installing the 16" to the northern phase 2 driveway and looping a 12" as shown -- per phase 1 plans and future phase 2 looping)? This may already be covered by the minimum design but I wasn't sure.

Thanks,
Mike

Mike Adams, P.E.
City of Midlothian
Executive Director of Engineering & Utilities
972-775-7105



From: Jeff M. Love [mailto:jlove@ndmce.com]
Sent: Friday, September 11, 2015 8:16 AM
To: Mike Adams; Dennis Sims; Billy King
Cc: Scott Morrow; Kevin Lasher
Subject: RE: 11-007 - DRAFT Water Supply Analysis

Mike,

That was my mistake. I needed to merge the exhibit into the document. See attached.

Jeff M. Love, P.E.

Nathan D. Maier Consulting Engineers, Inc.

Two Park Lane Place
8080 Park Lane, Suite 600
Dallas, Texas 75231
P (214) 739-4741 ext 209
F (214) 739-5961
C (903) 456-4487

From: Mike Adams [mailto:Mike.Adams@Midlothian.tx.us]
Sent: Friday, September 11, 2015 7:40 AM
To: Dennis Sims; Billy King
Cc: Scott Morrow; Kevin Lasher; 'Jeff M. Love'
Subject: RE: 11-007 - DRAFT Water Supply Analysis

Dennis,

An exhibit is referenced in this report (pipe layout and size) but wasn't part of what you emailed. Can you send over the exhibit(s) as well?

Thanks,
Mike

Mike Adams, P.E.
City of Midlothian
Executive Director of Engineering & Utilities
972-775-7105



From: Dennis Sims [mailto:dsims@dssland.com]
Sent: Thursday, September 10, 2015 9:44 AM
To: Billy King

Cc: Mike Adams; Scott Morrow; Kevin Lasher; Jeff M. Love

Subject: FW: 11-007 - DRAFT Water Supply Analysis

All

Attached is Jeff's analysis of the water line size from 287. This is a draft and is submitted for your review.

Thanks

Dennis

Dennis G. Sims, RLA, ASLA



DUNKIN SIMS STOFFELS, INC

Landscape Architects/Planners

622 West State Street
Garland, Texas 75040
(T) 214-553-5778
(F) 214-553-5781

From: Jeff M. Love [mailto:jlove@ndmce.com]

Sent: Wednesday, September 09, 2015 4:52 PM

To: Dennis G. Sims <dsims@dssland.com>

Cc: Bob Stoffels <bstoffels@dssland.com>

Subject: 11-007 - DRAFT Water Supply Analysis

Dennis,

See attached draft analysis of the proposed water supply line to the park property. This draft addresses the items we discussed by phone and should be ready to send to the City for their review. Any comments the City may have we can discuss and address for a final document.

Thanks.

Jeff M. Love, P.E.

Nathan D. Maier Consulting Engineers, Inc.

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8080 Park Lane, Suite 600
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C (903) 456-4487

Mr. Mike Adams, P.E.
Executive Director of Engineering & Utilities
City of Midlothian
104 W. Avenue E
Midlothian, Texas 76065

September 9, 2015

This document is released for the purpose
of interim review under the authority of:
Jeffery S. Ginn
TX PE No. 107339
Date: September 9, 2015
It is not to be used for planning, bidding,
construction, or permit purposes.

Re: Midlothian Community Park
Water Supply Hydraulic Analysis

Dear Mr. Adams:

Nathan D. Maier Consulting Engineers, Inc. (NDM) has performed a hydraulic analysis of the water supply for the Midlothian Community Park Site to determine if adequate pressure from the current City water system is available to service the site. The purpose of this Letter Report is to provide the City with the results of this analysis and provide recommendations for the sizing of the various mains and services for the park. The analysis was performed with the following assumptions:

Assumptions

1. The proposed water supply configuration will be fed through one connection to the Midlothian water supply system near US 287 north of the park property (connection to the existing 12 inch water main at Mount Zion Road and 14th Street).
2. A starting pressure of 70 psi was used at the assumed connection point. The City provided a pressure reading of 70 psi at a fire hydrant on Mount Zion Road near 14th Street. The City has stated that water main pressures are fairly consistent in this area. Since a water pressure range for this area was not provided, this analysis only provides a system snapshot and varying pressures may occur in this area that could affect the results of this analysis.
3. A required dry weather irrigation supply for the park has been considered with flows of approximately 273,480 gpd provided by Dunkin, Sims and Stoffels (DSS), the park designer. The flow demand from this system will occur at night and will only serve to maintain the water level in the pond used for irrigation as necessary. Assuming this volume occurs over a 6-hour period, the flow demand will be approximately 760 gpm. This flow demand is not included in the fire or peak daily model due to the time of day this demand will occur. This flow demand is satisfied under any of the designs analyzed for this report.
4. The Phase I concession/restroom area peak flow was assumed to be 600 gpm. This assumes an average flow of 25 gpm for 10 lavatories/toilets. A peaking factor of 2.4 was used to determine the peak flow to these facilities.
5. Phase I peak flows were assumed to be approximately 30 gpm, split between both sides of the athletic field near the bleachers. This assumes there are 2 water fountains (1 gpm average each) and one spigot (4 gpm average) on each side. A peaking factor of 2.4 was used to determine the peak flow to these facilities.

September 9, 2015

1

6. No assumed demand from a Phase II system was provided. The recommended design, discussed below, does provide an additional 1,500 gpm through the system to anticipate a second fire flow demand for Phase I, or instead, this additional flow capacity could provide for Phase II demands.
7. The fire flow demand controls the flow requirements for the park system. For the fire flow design models, one hydrant demand of 1,500 gpm (the hydrant located furthest from Mount Zion Road) plus the peak flows were applied to the Phase I system demand requirements. The designs were then analyzed to determine if a minimum of 20 psi throughout the Phase I system was available during the fire flow demand.
8. The models were also analyzed with only the peak flows (without fire demand) in order to determine if a minimum of 35 psi can be provided throughout the Phase I system.
9. Three models including the peak and fire flow demands were analyzed – Current Phase I Design, Minimum Phase I Design, and a Recommended Phase I Design. Refer to the attached exhibit for pipe layout and size for each design.
 - a. The Current Phase I Design consists of a 12 inch water line to the irrigation/pond service line, approximately 5,078 feet south of Mount Zion Road. The park south of this connection is then serviced with an 8 inch distribution line.
 - b. The Minimum Phase I Design sizes the system for the Phase I peak demands and one (1) fire flow demand, and maintains minimum pressures throughout the Phase I system. No additional Phase II demands or other demands on the system were analyzed. No other demands on the system are known or anticipated.
 - c. The Recommended Phase I Design sizes the system to meet all the Phase I peak demands including two (2) fire flow demands, and maintains a minimum system pressure of 20 psi.

References

1. "Article 5.02 Fire Code," City of Midlothian Code of Ordinances, Ordinance No: 2012-17, adopted June 26, 2012.
2. "2009 International Fire Code," International Code Council, Inc., March 2009.
3. "Rules and Regulations for Public Water Systems," Title 30 Texas Administrative Code, Chapter 290; Subchapter D, effective July 30, 2015.
4. Crites, Ron, & George Tchobanoglous. "Small and Decentralized Wastewater Management Systems," Boston: McGraw Hill, 1998. Table 4-6: Typical rates of water use for various devices and appliances (page 175).

Current Phase I Design Results

Based on the results of the hydraulic analysis, the Current Phase I Design is undersized and is not able to supply 1,500 gpm to any of the three (3) proposed fire hydrants in Phase I. While the proposed 12 inch main, connecting at Mount Zion Road, is sufficient to supply the Phase I peak flows, the maximum capacity of the line is only 725 gpm to the south end of the water line near the concessions/restrooms. This design would not be able to provide any fire flow demand to the

park. The Current Phase I Design would be able to provide the required flow of 760 gpm to the pond, but no other flows would be available downstream.

Minimum Phase I Design

The Minimum Phase I Design requires a 16 inch water line from the Mount Zion Road connection to the irrigation pond/service connection. From this location, a 12 inch water line along 14th Street to the Phase 1 main access road and into the park would be required to maintain a minimum pressure of 20 psi during fire flow demands. South of the parking lot adjacent to the concession area, an 8 inch water line will help to satisfy the demands in this area of the park.

One 2 inch service may not satisfy the demands and maintain minimum pressures at the concession/restroom area. This demand may be satisfied by additional 2 inch connections as necessary, or with one 6 inch water line to the concession/restroom site.

This Minimum Phase I Design may require the City to upsize from 12 inch to 16 inch an additional 1,500 linear feet of water main along Mount Zion Road from FM 663 to 14th Street.

The surrounding area, including the park, would benefit from a closed loop in the future.

This Minimum Phase I Design does not satisfy any additional demands from Phase II or any additional fire flow demand. With this design, these additional demands must be satisfied by an appropriate additional connection to the City's water supply.

Recommended Phase I Design

The Recommended Phase I Design will provide 6,525 linear feet of 16" water from Mount Zion Road to the Phase I park entrance. From this location and into the park the water mains feeding the two park hydrants located in Phase I would be fed by a 12 inch line, reducing to an 8 inch water line for the leg south of the parking lot to the concessions and athletic field.

This configuration will allow for future Phase II flows up to 2,000 gpm to the plug shown on line W-2 along the Phase I park entrance without requiring an additional future connection to the City's water supply. This configuration also allows the City to supply two of the three hydrants with fire flow, including the Phase I peak flows and an additional 600 gpm to the plug on line W-2.

Conclusion

A 12 inch water transmission main from Mount Zion Road will satisfy peak flow conditions for Phase I of the Midlothian Community Park. However, a 12 inch main will not be able to provide enough pressure to provide the recommended 1,500 gpm fire flow at any of the proposed Phase I hydrant locations. It is recommended that the City consider the Recommended Phase I Design based on the hydraulic analysis of the Phase I system and demands as well as making provision for some if not all demands for Phase II. A 16 inch water main along 14th Street will provide the necessary flows to the park while providing the City with an extension of their system to the south-central portion of the City limits. A 12 inch distribution main within the park servicing the

Phase I parking lot and providing for a future extension for Phase II should provide adequate pressure for both fire flow and future park demands (splash pad). A looped connection should be provided for the area in the future via possible corridors along Ashford and FM 665 that would allow for additional future demands from the park and surrounding areas.

Sincerely,

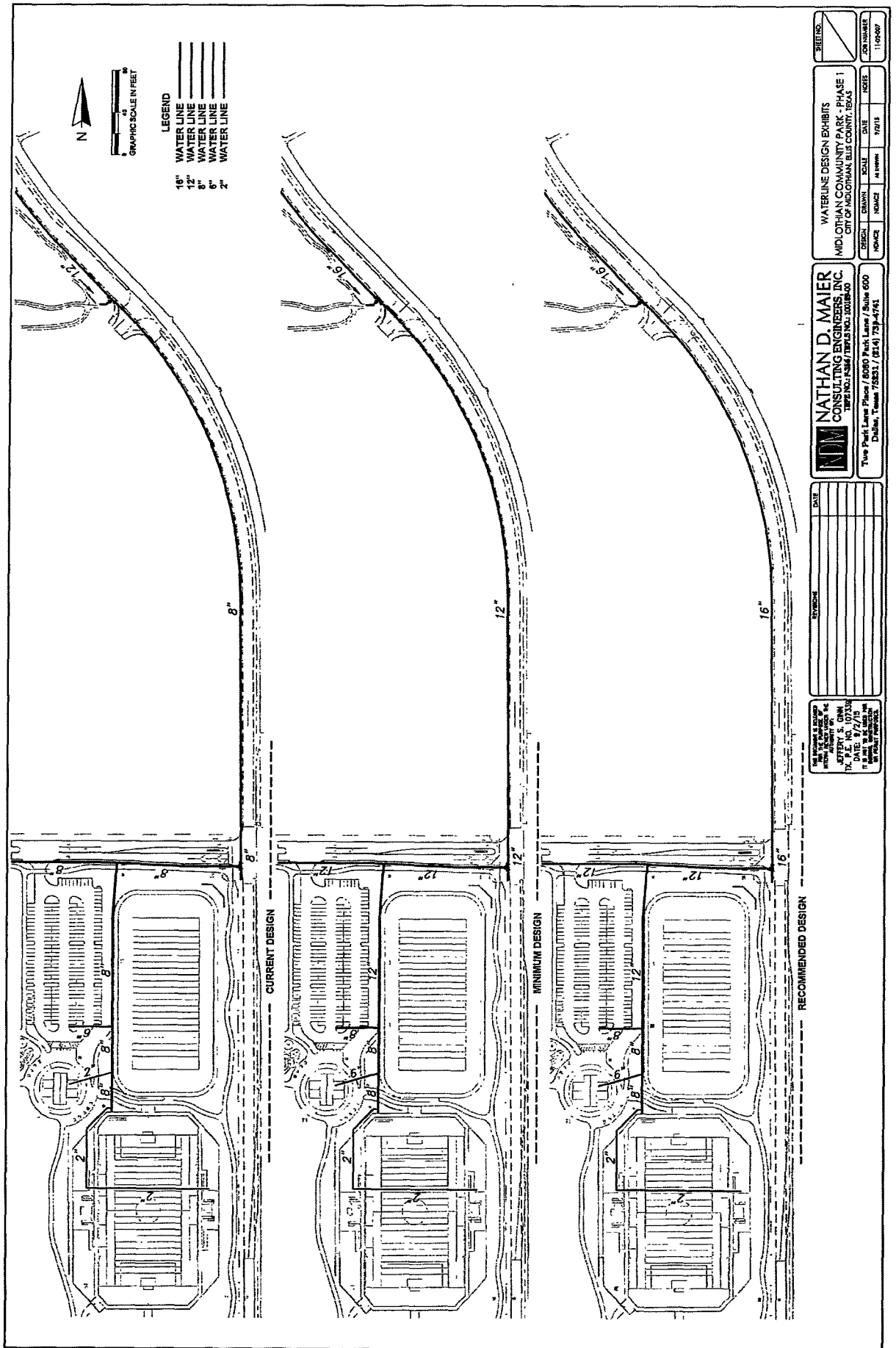
NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
Texas Firm Registration No. F-356

Jeffery S. Ginn, P.E.

This document is released for the purpose
of interim review under the authority of:
Jeffery S. Ginn
TX PE No. 107339
Date: September 9, 2015
It is not to be used for planning, bidding,
construction, or permit purposes.

September 9, 2015

4



WATERLINE DESIGN EXHIBITS
 MIDLAND COUNTY PARK - PHASE 1
 CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

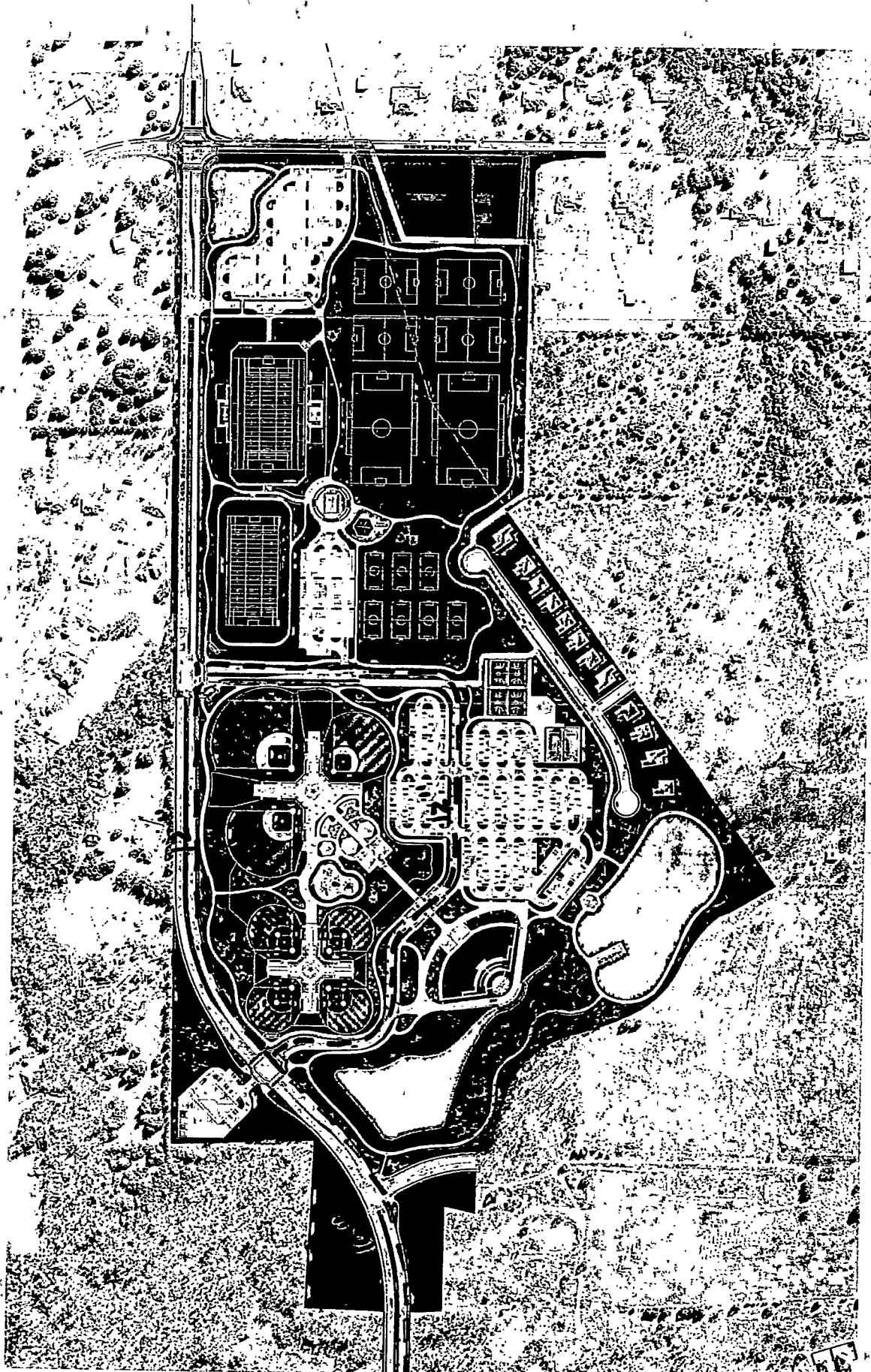
NATHAN D. MAIER
 CONSULTING ENGINEERS, INC.
 LICENSE NO. 13847 / 13847 / 13847 / 13847 / 13847

Two Park Lane Place / 6000 Park Lane / Suite 600
 Dallas, Texas 75231 / (214) 729-4741

DESIGNER	DATE
SCALE	DATE
PROJECT	NO.
NO.	11-09-00

DATE	BY	REVISION

BY: NATHAN D. MAIER
 LICENSE NO. 13847 / 13847 / 13847 / 13847 / 13847
 NATHAN D. MAIER
 P.E. NO. 107716
 11-09-00
 11-09-00
 11-09-00



Phase I
Site
Plan

PHASE I



MIDLOTHIAN COMMUNITY PARK

CITY OF MIDLOTHIAN, TEXAS



**Midlothian Park
Alternate Water Connection
Concept Opinion of Probable Cost**

Revision Date: 10/22/12
Initiation Date: 10/17/12
NDM Job No. 11-007.B

Item	Qty	Description	Unit	Unit Price	Mult.	Adj. Unit Price	Total Price
1	1	Mobilization	LS	\$15,000.00	1.00	\$15,000.00	\$15,000.00
2	1	SWP3 & Erosion Control	LS	\$5,000.00	1.00	\$5,000.00	\$5,000.00
3	23	ROW Prep	STA	\$1,500.00	1.00	\$1,500.00	\$34,500.00
4	1	Traffic Control	LS	\$1,500.00	1.00	\$1,500.00	\$1,500.00
5	1	Trench Safety Design	LS	\$1,500.00	1.00	\$1,500.00	\$1,500.00
6	1930	Trench Safety Program	LF	\$1.00	1.00	\$1.00	\$1,930.00
7	1930	12" DR14 PVC Water by Open Cut	LF	\$50.00	1.00	\$50.00	\$96,500.00
8	220	18" Steel Encasement Pipe by Other than Open Cut	LF	\$180.00	1.00	\$180.00	\$39,600.00
9	220	12" DR14 PVC Water through Encasement	LF	\$40.00	1.00	\$40.00	\$8,800.00
10	7	12" Gate Valve	EA	\$2,500.00	1.00	\$2,500.00	\$17,500.00
11	6	6" Gate Valve	EA	\$1,500.00	1.00	\$1,500.00	\$9,000.00
12	1	12"x12" Cut-in Tee	EA	\$1,500.00	1.00	\$1,500.00	\$1,500.00
13	2	Fittings	TN	\$1,000.00	1.00	\$1,000.00	\$2,000.00
14	6	Fire Hydrant	EA	\$2,500.00	1.00	\$2,500.00	\$15,000.00
15	1	Testing	LS	\$1,075.00	1.00	\$1,075.00	\$1,075.00
16	1	Inspection	LS	\$3,500.00	1.00	\$3,500.00	\$3,500.00
17	1	Site Restoration	LS	\$25,000.00	1.00	\$25,000.00	\$25,000.00
18	1	Hydromulch	LS	\$2,500.00	1.00	\$2,500.00	\$2,500.00
		Contingency			30%		\$84,421.50
		Engineering					\$54,873.98
TOTAL							\$420,700.48

NOTES. This opinion is based upon standard construction practices and materials as of the date written.
Tree replacement not included.
Franchise utility coordination not included.
It is assumed that no connections to the existing water system in Ashford will be required.
Easement acquisition is not included.

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF C. MICHAEL DANIEL, P.E. 62457 DATE: October 22, 2012 IT IS NOT TO BE USED FOR BIDDING, CONSTRUCTION OR PERMIT PURPOSES.

NDM NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
Texas Reg. No. F-356

**Midlothian Park
Alternate Water Connection
Concept Opinion of Probable Cost**

Revision Date: 10/23/12
Initiation Date: 10/17/12
NDM Job No. 11-007.B

Item	Qty	Description	Unit	Unit Price	Multi	Adj. Unit Price	Total Price
1	1	Mobilization	LS	\$15,000.00	1.00	\$15,000.00	\$15,000.00
2	1	SWP3 & Erosion Control	LS	\$5,000.00	1.00	\$5,000.00	\$5,000.00
3	23	ROW Prep	STA	\$2,000.00	1.00	\$2,000.00	\$46,000.00
4	1	Traffic Control	LS	\$1,500.00	1.00	\$1,500.00	\$1,500.00
5	1	Trench Safety Design	LS	\$1,500.00	1.00	\$1,500.00	\$1,500.00
6	2030	Trench Safety Program	LF	\$1.00	1.00	\$1.00	\$2,030.00
7	2030	12" DR14 PVC Water by Open Cut	LF	\$50.00	1.00	\$50.00	\$101,500.00
8	200	18" Steel Encasement Pipe by Other than Open Cut	LF	\$180.00	1.00	\$180.00	\$36,000.00
9	200	12" DR14 PVC Water through Encasement	LF	\$40.00	1.00	\$40.00	\$8,000.00
10	7	12" Gate Valve	EA	\$2,500.00	1.00	\$2,500.00	\$17,500.00
11	6	6" Gate Valve	EA	\$1,500.00	1.00	\$1,500.00	\$9,000.00
12	1	12"x12" Cut-in Tee	EA	\$1,500.00	1.00	\$1,500.00	\$1,500.00
13	2	Fittings	TN	\$1,000.00	1.00	\$1,000.00	\$2,000.00
14	6	Fire Hydrant	EA	\$2,500.00	1.00	\$2,500.00	\$15,000.00
15	1	Testing	LS	\$1,115.00	1.00	\$1,115.00	\$1,115.00
16	1	Inspection	LS	\$3,500.00	1.00	\$3,500.00	\$3,500.00
17	1	Site Restoration	LS	\$25,000.00	1.00	\$25,000.00	\$25,000.00
18	1	Hydromulch	LS	\$2,500.00	1.00	\$2,500.00	\$2,500.00
		Easement Acquisition					\$5,000.00
		Contingency		30%			\$89,593.50
		Engineering					\$58,000.00
TOTAL							\$446,238.50

NOTES: This opinion is based upon standard construction practices and materials as of the date written.
Tree replacement not included.
Franchise utility coordination not included.
It is assumed that no connections to the existing water system in Ashford will be required.
Assumes construction on the south side of Ashford through existing easements with minimal easement acquisition required.
Assumes existing easements will allow sufficient clearance from existing structures to install pipe by open cut.
Assumes installation by other than open cut through steel encasement under FM663 and Ashford Road.
Driveway, fence and landscape restoration included under Site Restoration.

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF C. MICHAEL DANIEL, P.E. 62457
DATE: October 23, 2012
IT IS NOT TO BE USED FOR BIDDING, CONSTRUCTION OR PERMIT PURPOSES



NATHAN D. MAIER
CONSULTING ENGINEERS, INC.

Texas Reg. No. F-356

Mike Adams

From: Mike Adams
Sent: Tuesday, January 15, 2013 4:34 PM
To: Billy King; 'Randel Kirk'
Cc: John Taylor; 'Dirk Younts (dyounts@dssland.com)'; 'dsims@dssland.com'; 'mdaniel@ndmce.com'; 'Brian J. LaFoy' (blafoy@ndmce.com); Craig Railsback
Subject: RE: Meeting

Billy,

I'm good on this date.

Thanks,
Mike

Mike Adams, P.E.
Exec. Director of Engineering & Utilities
City of Midlothian
972-775-7105

From: Billy King
Sent: Tuesday, January 15, 2013 3:55 PM
To: Randel Kirk
Cc: John Taylor; Dirk Younts (dyounts@dssland.com); dsims@dssland.com; Mike Adams; mdaniel@ndmce.com; 'Brian J. LaFoy' (blafoy@ndmce.com); Craig Railsback
Subject: RE: Meeting

Is everyone available for this date?

If so I will send out an official invite to all.

Billy

From: Randel Kirk [<mailto:RANDELKIRK@MTPEAKWATER.COM>]
Sent: Tuesday, January 15, 2013 2:03 PM
To: Billy King
Subject: RE: Meeting

Billy,
It looks like Fri. Jan. 25rd at 11:00 is working so far. How is that for your side?

Randy

From: Billy King [<mailto:Billy.King@Midlothian.tx.us>]
Sent: Tuesday, January 15, 2013 11:52 AM
To: Randel Kirk (RANDELKIRK@MTPEAKWATER.COM)
Cc: John Taylor; Mike Adams
Subject: RE: Meeting

Randy,

Have you been able to nail down a date for the meeting to discuss the Community Park items?

Billy

From: Billy King
Sent: Wednesday, January 09, 2013 5:27 PM
To: Randel Kirk
Subject: Re: Meeting

I'm actually participating in the Leadership Midlothian course and that is the day of my class. It is from 8:00am to 5:00pm.

How about one day between the 21-25 of the following week.

Billy

Sent from my iPhone

On Jan 9, 2013, at 4:22 PM, "Randel Kirk" <RANDELKIRK@MTPEAKWATER.COM> wrote:

Thanx Billy and it was good to see all of y'all again. Tentatively, I would like to see if next Wednesday at 11:00 AM would be good for you.
That's what I am working on now so let me know if that will work.

Thanx again,
Randy

From: Billy King [<mailto:Billy.King@Midlothian.tx.us>]
Sent: Wednesday, January 09, 2013 3:59 PM
To: Randel Kirk (RANDELKIRK@MTPEAKWATER.COM)
Subject: Meeting

Randy,

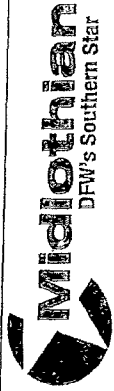
I wanted to thank you for taking the time to meet with us today concerning the new Community Park. I will be trying to get a date lined up for our next meeting and if you wouldn't mind working on it on your end as well and maybe we can come up with a good date that fits into everyone's schedule.

Thanks,
Billy King

Billy King
Parks and Recreation Manager
104 E. Ave E
Midlothian, TX 76065

P 972-775-7176
F 972-775-7171

MEETING SIGN-IN SHEET



Project: Community Park Meeting with Mt. Peak
 City of Midlothian

Meeting Date: 1/25/13 @ 1:00 am
 Place/Room: Admin. Conf. Room

Name	Title	Company	Phone	E-Mail
Billy King	Parks & Rec. Manager	City of Midlothian	972-775-7176	billy.king@midlothian.tx.us
Mike Adams	City Engineer	"	972-775-7105	mike.adams@midlothian.tx.us
Craig Raulsbach	Parks Maintenance Foreman	"	972-775-7105 214-232-3920	CRAIG.RAULSBACH@midlothian.tx.us
Mark Gault	DSS Inc.	DSS Inc.	214-676-9923	mark.gault@dssinc.com
Michael Bryant	Mt Peak	Mt Peak	972-983-8483	
Mike Gull	Mt Peak	Mt Peak	214-616-5635	Mike@ewlego.com
Randel Kirk	Mt. Peak S.V.D.	Mt. Peak	972-775-3765	Randel.Kirk@mt.peakswater.com
Randal Tushnet	Mt Peak Sup	Mt Peak	972-989-6991	Randal@tuckercorps.com
David Miller	atdy	mt Peak	972-845-2222	dmiller@milmen.com
Robert Childers	Engineer	Childers Engineers	817-645-1118	robert@childers-engineers.com
John Taylor	Des. Serv. - City	City of Mt.	972-775-2172	John.Taylor@midlothian.tx.us
Joe Summers	DSS	DSS	214-553-5778	jsommers@dssland.com
Mike Daniel	Engineer	Nathan Maier	214-739-4741	mdaniel@ndmce.com
Denius Sims	PHYSICIAN	DSS	214-553-5778	DSIMS@DSSLAND.COM

Mike Adams

From: Billy King
Sent: Monday, February 4, 2013 11:44 AM
To: Randel Kirk (RANDELKIRK@MTPEAKWATER.COM)
Cc: John Taylor; Mike Adams
Subject: FW: Irrigation supply

Randy,

Here is what Dennis Sims sent to me specifying the minimal requirements for the irrigation at the Community Park. If you wouldn't mind forwarding to Mr. Childress I would appreciate it.

If there is anything else you or your staff need please feel free to contact me.

Thanks,
Billy King

From: Dennis Sims [mailto:dsims@dssland.com]
Sent: Thursday, January 31, 2013 3:15 PM
To: Billy King
Subject: Irrigation supply

Billy

We reviewed the Midlothian Community Park irrigation water requirement. After meeting with Bob Thurman of a New Deal Irrigation Company we determined the following.

The Park will need an estimated 1750 to 2000 GPM during irrigation hours delivered at PSI of 80psi.

In order to serve the park and have the desired flexibility required to water the park within certain hours of the day. A 10' pipe size would be needed.

If you have any questions please give me a call.

Dennis

Dennis G. Sims, RLA, ASLA



DUNKIN SIMS STOFFELS, INC
Landscape Architects/Planners

9603 White Rock Trail #210
Dallas, Texas 75238
(T) 214-553-5778
(F) 214-553-5781

Mike Adams

From: Billy King
Sent: Thursday, February 14, 2013 3:09 PM
To: Randel Kirk (RANDELKIRK@MTPEAKWATER.COM)
Cc: robertc@childress-engineers.com; Mike Adams; John Taylor
Subject: FW: irrigation numbers

Gentleman,

Here is the information I received from Dennis Sims per your request.

Robert,

Can you give us a rough idea on what Mt. Peaks system requirements will be in order to meet the park water demands?

Billy King
Parks and Recreation Manager
104 W. Ave E
Midlothian, TX 76065

P 972-775-7176
F 972-775-7171

From: Dennis Sims [mailto:dsims@dssland.com]
Sent: Wednesday, February 13, 2013 4:40 PM
To: Billy King
Subject: irrigation numbers

Billy
This is how I arrived at the irrigation number.
75AC to water at 27154 GPA
Equal 2036550 GPW
Divide by 4 days = 509137 GPD
Divide by 6 hours = 84856GPH
Divide by 60 min = 1414GPM
Divide by 80% efficiency rate 1767 GPM

Dennis G. Sims, RLA, ASLA



Mike Adams

From: Robert Childress <robertc@childress-engineers.com>
Sent: Friday, February 22, 2013 7:34 AM
To: Billy King; 'Randel Kirk'
Cc: Mike Adams; John Taylor
Subject: RE: irrigation numbers

Dear Mr. King,

We have reviewed the preliminary information provided by the City of Midlothian and your consultants concerning the irrigation demands for the Midlothian Community Park and Sports Complex. Due to our previous irrigation experience and having designed a sports complex for the City of Cleburne that is almost the exact same size as the one under consideration, we would like to offer a few comments that may save some money.

We agree with Mr. Sims weekly irrigation number that equates to 1" per week. However, the demands can be greatly reduced by extending both the watering hours and days. While we understand that you want to get the watering done at night to allow for play and maintenance of the fields in the day. The watering schedules can vary to allow for late games/tournaments by allowing some of the common areas to run a little later in the morning. The Cleburne complex was designed and is operated on 600 gpm. After a lengthy discussion about its operation with grounds manager Burton Barr, it was evident that there is no way to just program the sprinklers and forget about them. He constantly adjusts watering times and schedules depending on the heat, wind, maintenance schedules and complex activities. The Midlothian park could operate at approximately 600 gpm by watering 7 days for 8 hours or if you don't want to water on Friday nights / Saturday mornings you could water 6 days for 9.5 hours. Start at 11 and end at 8:30 or start common areas or unused fields earlier for an earlier finish.

Let's consider options to reduce the demand requirements before we model the system and start sizing pipes. The Cleburne system pumps out of a small 1 ac pond that is filled with either potable or reuse water. If you used your pond, you could water at whatever rate you want without causing a large demand on the water distribution system. If you are concerned with the evaporation loss, periods of 1" of loss per week would only equate to 1% of the water being used to irrigate. That is a small price to pay for the additional flexibility a pond would provide.

Although I do not have a working hydraulic model of the City's water system; I am somewhat familiar with the system. Mt. Peak's elevated tanks are 49 feet taller than the City's which equates to an additional pressure of 21 psi being available. I have heard a 10" line mentioned several times as the line size needed to supply the requested 1,750-2,000 gpm. However, at those flow rates the velocities would be 7.15 fps - 8.17 fps respectively. In a water distribution system, we typically consider 5 fps as the upper limit for a pipeline due to the excessive head loss. If you were to run a 10" line from the City's 12" line at Mt. Zion road, the resulting head losses from the City's elevated tank to the park would be 95'-121'. If we assume that the tank is ten feet down from the overflow of 940', that would result in 33 psi-21 psi respectively at the lowest elevation of the park. Based on the velocity alone, a 14" line would be the minimum to consider.

Let's see if we can work something out with the operation of the irrigation system that will allow the required line size to be minimized as well as the demand on the distribution system. Then, we can move forward with a cost saving design. Please let us know if you have any additional questions or if you would like to discuss this matter further.

Thanks,

Childress Engineers
Texas Registered Eng. Firm F-702
Robert T. Childress, III, P.E.
211 North Ridgeway Drive
Cleburne, Texas 76033

Email: robertc@childress-engineers.com
Voice: 817-645-1118
Fax: 817-645-7235

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From: Billy King [<mailto:Billy.King@Midlothian.tx.us>]
Sent: Thursday, February 14, 2013 3:09 PM
To: Randel Kirk (RANDELKIRK@MTPEAKWATER.COM)
Cc: robertc@childress-engineers.com; Mike Adams; John Taylor
Subject: FW: irrigation numbers

Gentleman,

Here is the information I received from Dennis Sims per your request.

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From: Dennis Sims [<mailto:dsims@dssland.com>]
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Mt Peak Special Utility District

Dear Mayor Houston:

I am writing you this letter because we have come close on several occasions to getting a resolution to some of the issues that Mt Peak and the City have been working on for some time and think there will be value in doing so. Our board resolved some time ago that we wanted to work cooperatively with the City to help us both serve our customers better.

I think there are at least two specific matters we could start with: (1) providing water for the proposed new athletic park, and (2) resolution of the area covered by the dual certification agreement. If there are some other things we can help each other with, let me know.

Water for Irrigation of the Proposed Park: We have reviewed the options provided by your engineers and believe we can provide an even more cost-efficient method for you, while avoiding the potential for complications arising from attempts to provide service in an adjoining CCN. We would allow you to construct the line to the Park from the area next to the meter from which we now purchase water from you, and dedicate it to Mt Peak. (Or we will build it and pass the cost through to you, whichever you prefer.) Thereafter, Mt Peak will transport water obtained from you to the Park through that new line and offset the volumes received at the inlet against volumes that we are purchasing from you at the adjacent meter. This will be administratively pretty simple and straightforward, and avoid the cost of an additional meter at the Park. With respect to maintenance, we will be willing to either allow you to maintain it, or we will maintain it ourselves and bill you for the cost. This should resolve any potential administrative or regulatory issues and we believe our Board will approve this approach. If you have other suggestions or any comments, please let us know and we will work with you to resolve them.

Dual Certification Area: Periodically, we have discussed with you ways to resolve the differing recollections and records that reflect the geographic areas covered by this agreement, without incurring the expense of a formal proceeding. We understand that at least some of the persons representing the City have expressed a willingness to settle these issues by amending the agreement to confirm that RailPort is covered by the dual certification, and that otherwise, we will no longer consider any part of the area to be dual certificated. Again, we will be happy to sit down and work out any alternative suggestions or help determine ways that we can assure that your concerns for development in the area are adequately addressed. As you know we have constructed substantial lines and developed additional sources so that we can serve any potential user located in our CCN. We also believe our Board will approve this approach.

Please let us know if you are interested in working toward either, both or any additional arrangements and we will be happy to schedule a time to get together and hammer out some details.

Thank you,

Mountain Peak Special Utility District

By: *Plyde T Bryant*



DAVIDSON
TROILO
REAM &
GARZA P.C.
ATTORNEYS AT LAW

JOHN W. DAVIDSON ARTHUR TROILO CHEREE TULL KINZIE R. GAINES GRIFFIN RICHARD E. HETTINGER
PATRICK W. LINDNER RICHARD D. O'NEIL J. MARK CRAUN LEA A. REAM FRANK J. GARZA JAMES C. WOO
RICHARD L. CROZIER R. JO RESER PAUL M. GONZÁLEZ KEITH A. KENDALL DAVID R. RANGEL
STEVEN M. PEÑA JESSIE LÓPEZ BRYAN M. KORRI S. DEVI KUMAR ASHLEY L. WHITE WILLIAM A. FAULK III
OF COUNSEL TERRY TOPHAM, BETSY J. JOHNSON

August 15, 2014

David A. Miller
Miller Mentzer Walker, P.C.
100 North Main St.
P. O. Box 130
Palmer, Texas 75152

Re: City of Midlothian; Mountain Peak SUD

Dear Mr. Miller:

Don Stout asked me to reply to your letter dated July 24.

I am informed that the City of Midlothian currently plans to supply water to itself at its newly developed city park for irrigation purposes only and to purchase potable water for domestic use within the park from Mountain Peak SUD. The park is owned by the City of Midlothian and is located wholly within the corporate limits.

I am further informed that the City of Midlothian received the proposal by the president of Mountain Peak SUD described in your letter, among other prior proposals and, based upon the information currently available, the City is not interested in pursuing the proposals further. With the City's fiscal prudence in mind, staff could not determine why the city should pay the cost of constructing a pipeline of equal length to the irrigation water supply line that the city plans to install to its park and to then donate that pipeline to your client.

Please elaborate on your statement that the city's plan as you describe in your letter violates applicable law and the contract. Once your response is received and reviewed, the city will be in a position to respond to your request to meet and discuss the situation. Pending receipt of your response, the city's current position is that the supply of water for irrigation purposes to oneself without compensation is not regulated under Texas Water Code, chapter 13 and the 1996 agreement was not intended to and should not be construed to limit the city's authority to supply water to itself without compensation for irrigation purposes.

I have not been asked to verify or respond to other statements in your letter except to the extent required for the responses set forth above.

Sincerely,

Patrick Lindner
For the Firm

PWL/ec

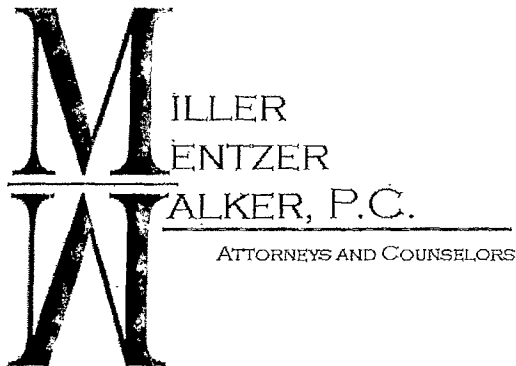
Cc (via email):

Don Stout, City Attorney, City of Midlothian
Don Hastings, City Manager, City of Midlothian
Mike Adams, PE, Executive Director of Engineering & Utilities, City of Midlothian

8348/6 #231858

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WEBSITE: WWW.MILMEN.COM
DIRECT FAX: 214-764-6662

July 24, 2014

Via First Class Mail and E-mail: colvinstout@sbcglobal.net

Don Stout
Midlothian City Attorney
Colvin & Stout, P.C.
210 W. Knox
Ennis, TX 75119

Re: Mountain Peak Special Utility District;
Our file no. 7070.001

Dear Don:

As you know, I have represented Mountain Peak for many years, although probably not as many years as you have represented the City. Mt Peak and the City have had some disagreements over the years, and there was a time when there was a lot of lingering mistrust on both sides. Happily, in most instances, calmer heads have prevailed, and compromises and agreements were worked out. Mt Peak even passed a resolution a few years back to make "official" its desire to be a good neighbor and work with the City to help each other out. I think the leadership on both sides has recognized the benefits of working together. No matter what happens, we are always going to be neighbors.

I preface this letter with these statements because I want to see if we can resolve another potential issue and save some bad feelings and substantial expense. The City is planning on building an athletic park in the Mt Peak CCN. (In fact I believe that there have been some discussions between the parties about relocating a Mt Peak future well sight that may be in the layout of the proposed park.) We have been advised that the City intends to proceed with the construction of a pipeline into and across the CCN of Mt Peak to deliver irrigation water to the park, although we understand the City will purchase from Mt Peak the water for concession stands,

Miller Mentzer Walker, PC

Don Stout
July 24, 2014
Page 2

bathrooms, and other amenities at the park. From what we have been told, the City has decided to go forward with this project and "let the lawyers fight it out." I have to tell you, we may be only hearing rumors, but the Mt Peak board thought it would be better to check directly and suggested I contact you.

A couple of months ago, the Board of Mt Peak approved the form of a letter to be sent from its President to the Mayor, following up on a couple of matters and suggesting a method for handling the irrigation water in a way that would be by far the most economic method; at least as I understand it, for the City to accomplish its goals. I just checked to get a copy of it, and I believe it may have just recently gone out. When I get a copy of it, I will forward that to you also.

Obviously, Mt Peak believes that it would violate applicable law and their contract with the City if the course of action described were to be pursued. If this "let the lawyers fight it out" is indeed under consideration, let's sit down and discuss the issues and see if we can walk away in agreement (even if it is one of those rotten agree-to-disagree things). I see no downside in that, and plenty of upside. If that is not the City's plan, maybe we can get the Mt Peak proposal to the right hands in the City and flesh out the details so it can be documented to everyone's satisfaction.

Let me know what you think. Thanks very much.

Sincerely,



David A. Miller