

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, February 9, 2016 - 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
2016-37 Proclamation for Relay for Life
2016-38 Receive racial profiling annual report
2016-39 Receive juvenile curfew annual report
2016-40 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.

- 2016-41 Consider and act upon minutes from the City Council meetings of January 26 and 29, 2016.
2016-42 Consider and act upon a resolution authorizing an Annual Community Easter Egg Hunt. The event will be hosted by the City of Midlothian on Saturday, March 19, 2016, 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. SEP08- 2015)

REGULAR AGENDA

- 2016-43 Consider and act upon a four month extension of the existing contract with Republic Services, Inc. to provide Solid Waste and Recycling Services to the City of Midlothian.
2016-44 Discuss the proposed fee waivers requested by the negotiating committee for the current 3 year annexation area generally located southeast of the current city limits.

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 551.072 Real Estate: Deliberation regarding real property - to deliberate the purchase, exchange, lease or value of real property
2. Section 551.071(2) Legal: Consultation with city attorney on any agenda item listed herein.

REGULAR AGENDA

- 2016-45 Action resulting from Executive Session, Item #1: Real Estate
2016-46 Action resulting from Executive Session, Item #2: Legal
2016-47 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 5th day of February, 2016 at or before 5:00 p.m.


Mary McDonald, Deputy City Secretary

**This facility is wheelchair accessible and accessible parking spaces are available.
Requests for reasonable accommodations must be made 48 hours prior to this meeting.
Please contact the City Secretary at 775-3481 for further information.**



AGENDA ITEM 2016-40

AGENDA CAPTION:

Citizens to be Heard

ITEM SUMMARY/BACKGROUND:

Citizens who have registered with the City Secretary may address Council with comments and/or concerns.

SPECIAL CONSIDERATION:

N/A

FINANCIAL IMPACT/FUNDING SOURCE:

N/A

ATTACHMENTS:

N/A

ALTERNATIVES:

N/A

RECOMMENDATION:

N/A



AGENDA ITEM 2016-41

AGENDA CAPTION:

Consider and act upon minutes from the City Council meetings of January 26 and 29, 2016.

ITEM SUMMARY/BACKGROUND:

Minutes from the January 26 and 29, 2016 City Council meetings are submitted for approval or correction.

SPECIAL CONSIDERATION:

N/A

FINANCIAL IMPACT/FUNDING SOURCE:

N/A

ATTACHMENTS:

1. Minutes from the Regular City Council meeting of January 26, 2016
2. Minutes from the Called Meeting/Workshop of January 29, 2016

ALTERNATIVES:

Approve or correct

RECOMMENDATION:

Approve as submitted

SUBMITTED AND TO BE PRESENTED BY:

Tammy Varner, TRMC, City Secretary, for the Tuesday, February 9, 2016 City Council Meeting



Tammy Varner, City Secretary

APPROVED BY:

Chris Dick, City Manager

**MINUTES
REGULAR COUNCIL MEETING
JANUARY 26, 2016**

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
Ted Miller	§	Councilmember Place 6

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

2016-19 RECEIVE QUARTERLY INVESTMENT REPORT FROM PATTERSON & ASSOCIATES

Linda Patterson of Patterson & Associates presented the quarterly investment report and addressed questions from City Council.

2016-20 CITIZENS TO BE HEARD

None to be Heard

CONSENT AGENDA

- 2016-21 CONSIDER AND ACT UPON MINUTES FROM THE CITY COUNCIL MEETING OF JANUARY 12, 2016.**
- 2016-22 CONSIDER AND ACT UPON A JOINT ELECTION AGREEMENT WITH THE MIDLOTHIAN INDEPENDENT SCHOOL DISTRICT**
- 2016-23 CONSIDER AND ACT UPON AWARDED A CONTRACT TO CHAMELEON INDUSTRIES, INC. FOR FURNISHING NSF APPROVED COAGULANT FOR DRINKING WATER FOR USE AT BOTH WATER TREATMENT PLANTS, BASED ON AN INITIAL UNIT PRICE BID OF \$193.20 PER DRY TON.**
- 2016-24 CONSIDER AND ACT UPON AWARDED A CONTRACT TO LEGACY CONTRACTING, LP, DBA CONTROL SPECIALIST SERVICES, LP, FOR PROVIDING SERVICES RELATED TO THE MAINTENANCE OF EQUIPMENT ASSOCIATED WITH POTABLE WATER PRODUCTION AND PUMPING SERVICES AT THE CITY'S WATER TREATMENT PLANTS ON AN AS NEEDED BASIS.**

Councilmember Sibley moved to approve the Consent Agenda as presented. Motion was seconded by Councilmember Rodgers and carried unanimously (7-0).

WORKSHOP

2016-25 CONDUCT A WORKSHOP AND RECEIVE PRESENTATIONS FROM JES HOLDINGS, LLC, AND FROM CASA LINDA DEVELOPMENT CORPORATION, REGARDING THE SUBMITTAL OF THEIR RESPECTIVE APPLICATIONS FOR A PROPOSED MULTIFAMILY PROJECT, FINANCED WITH 9% HOUSING TAX CREDITS WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA), ON PROPERTY SITUATED AT THE NORTHEAST CORNER OF GEORGE HOPPER ROAD AND S. 14TH STREET, AND PROVIDE DIRECTION TO STAFF AS NECESSARY.

Mark Feester of JES Development Company, Inc. gave a presentation regarding a proposed senior age-restricted development of approximately 90 units, to be known as Highlander Senior Village.

Linda Brown of Casa Linda Development Corp., gave a presentation regarding a “workforce” housing development to be known as Midtowne Village. The proposed development would consist of approximately 85 units for tenants of any qualified age.

Each proposed development would be financed through the use of tax credits, which would require certain income restrictions for at least 80% of the tenants. No action necessary.

2016-26 CONDUCT A WORKSHOP AND PROVIDE DIRECTION TO STAFF REGARDING PROPOSED AMENDMENTS TO THE LAND USE TABLE FOUND IN SECTION 2.04 OF THE ZONING ORDINANCE. THE PRIMARY PURPOSE OF SAID AMENDMENTS IS DESIGNED TO ADD, MODIFY AND/OR DELETE LAND USE CATEGORIES IN CERTAIN ZONING DISTRICTS (CASE NO. OZ01-2015-24).

Kevin Lasher presented the Item. Council reviewed and discussed the proposed definition for the land use “Practice Field Facility.” The consensus of Council was not in favor of regulating organized team sports or making any changes to the City’s current policy regarding same. Council reviewed and discussed the proposed definitions for manufactured homes and trade schools.

EXECUTIVE SESSION

1. Section 551.072 Real Estate: Deliberation regarding real property - to deliberate the purchase, exchange, lease or value of real property
2. Section 551.071(2) Legal: Consultation with city attorney on any agenda item listed herein.

REGULAR AGENDA

2016-27 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: REAL ESTATE

Executive Session was not held

2016-28 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: LEGAL

Executive Session was not held

2016-29 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 8:38 p.m.

Bill Houston, Mayor

ATTEST:

Tammy Varner, City Secretary

**MINUTES
OF A CALLED MEETING/WORK SESSION
January 29, 2016**

The City Council of the City of Midlothian convened in a Called Meeting in the Wildflower Room of the Midlothian Conference Center, One Community Circle, 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
Jimmie L. McClure	§	Councilmember Place 3
Joe Frizzell	§	Mayor Pro Tem Place 4
T. J. Henley	§	Councilmember Place 5

Absent: Councilmember Sibley due to medical issues; Councilmember Rodgers due to employment conflict and Councilmember Miller due to illness.

WORK SESSION AGENDA

2016-30 CALL TO ORDER

Mayor Houston called the meeting to order at 8:30 a.m. with notice of the meeting duly posted and a quorum present. Mayor pro tem Frizzell gave the invocation.

2016-31 RECEIVE A PRESENTATION FROM LEGAL COUNSEL REGARDING ZONING ISSUES

City Attorney Joe Gorfida, gave a presentation and answered questions from Council regarding zoning policies and procedures.

2016-32 REVIEW AND DISCUSS REVISIONS AND UPDATES TO IMPROVE THE PLANNING AND ZONING PROCESS, POLICIES AND PROCEDURES AND DIRECT STAFF ACCORDINGLY

Council and staff reviewed and discussed the following zoning policies and procedures:

- Single Family Residential Standards
- Garage Orientation
- Garage Dimensions
- Single Family Fence Standards
- Public Improvements Districts/Homeowners Associations
- Multiple Readings of Zoning Ordinances

2016-33 REVIEW AND DISCUSS A REGIONAL DRAINAGE PLAN AND DIRECT STAFF ACCORDINGLY

Niraj Acharya and Scott Wilhelm of engineering firm, Teague, Nall & Perkins addressed Council and answered questions regarding regional stormwater planning, including master planning, mitigation measures (regional detention) and funding mechanisms.

2016-34 REVIEW AND DISCUSS CURRENT AND FUTURE ANNEXATION STRATEGIES

Council and staff reviewed and discussed current city boundaries and proposed immediate, 90-day and three-year annexations.

2016-35 REVIEW AND DISCUSS POTENTIAL TOPICS TO BE INCLUDED IN THE CAPITAL IMPROVEMENT PLAN

Council and staff reviewed and discussed the following topics:

- Roadway Improvement Projects
- City Hall Improvements
- Fire Department future needs
- Justice Center/Jail repairs and future needs

2016-36 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the workshop at 4:51 p.m.

Bill Houston, Mayor

ATTEST:

Tammy Varner, City Secretary



AGENDA ITEM 2016-42

AGENDA CAPTION:

Consider and act upon a resolution authorizing an Annual Community Easter Egg Hunt. The event will be hosted by the City of Midlothian on Saturday, March 19, 2016, 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. SEP08- 2015)

ITEM SUMMARY/BACKGROUND:

The City of Midlothian Administration Department is requesting authorization to host the Annual Easter Egg Hunt, to be held at the Midlothian Sports Complex, 1400 S. 14th Street. The City of Midlothian will operate the event and provide all necessary documentation, such as proof of insurance and other pertinent information. The one-day event will begin at 10:00 a.m. (set-up will start that morning at 8:00 a.m.) and will end by 11:00 a.m. on Saturday, March 19, 2016. In case of inclement weather, the event is cancelled.

ATTACHMENTS:

1. Event Flyer
2. Proposed Resolution

ALTERNATIVES: Approve or Deny

RECOMMENDATION:

Staff recommends **approval** of the attached resolution authorizing this one-day event on Saturday, March 19, 2016.

SUBMITTED BY: Tammy Varner, City Secretary for the Tuesday, February 9, 2016 City Council Meeting

A handwritten signature in black ink that reads "Tammy Varner". The signature is fluid and cursive.

Tammy Varner, City Secretary

APPROVED BY:

A handwritten signature in black ink that reads "Chris Dick". The signature is bold and somewhat stylized.

Chris Dick, City Manager

2016
Community

EASTER EGG HUNT



SATURDAY, MARCH 19TH AT 10AM

Midlothian Sports Complex

1000 S. 14th Street

RESOLUTION 2016 -

A RESOLUTION AUTHORIZING AN EASTER EGG HUNT, TO BE HOSTED BY THE CITY OF MIDLOTHIAN ON SATURDAY, MARCH 19, 2016, IN ACCORDANCE WITH ZONING REQUIREMENTS FOR THIS TYPE OF EVENT AS ESTABLISHED BY THE CITY OF MIDLOTHIAN ZONING ORDINANCE 2013-24, AS AMENDED, SECTION 2.04

WHEREAS: Section 2.04 of the Zoning Ordinance of the City of Midlothian requires that a circus, carnival, fairgrounds, or special event will be allowed only by resolution of the City Council for a specified period of time; and

WHEREAS: The City of Midlothian shall provide adequate insurance coverage and any other pertinent information as required by the City; and

WHEREAS: Before this event occurs, the City of Midlothian must comply with any and all public safety directives issued by the City Fire, Police or Building Inspection Departments; and

WHEREAS: The location to be at the Midlothian Sports Complex, 1000 S. 14th Street, and has been approved by the City of Midlothian;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIDLOTHIAN, TEXAS THAT:

The City Manager or his designee is hereby authorized to allow the City of Midlothian to hold the Annual Easter Egg Hunt event at the Midlothian Sports Complex, with the event beginning at 10:00 AM (set-up will start that morning at 8:00 AM) and ending by 11:00 AM on Saturday, March 19, 2016, on the condition that the City of Midlothian satisfy the above conditions and all life-safety permit requirements, following this City Council approval.

READ, PASSED, AND, APPROVED this 9th day of February, 2016.

Bill Houston, Mayor

ATTEST:

Tammy Varner, City Secretary



AGENDA ITEM 2016-43

AGENDA CAPTION: Consider and act upon a four month extension of the existing contract with Republic Services, Inc. to provide Solid Waste and Recycling Services to the City of Midlothian.

ITEM SUMMARY/BACKGROUND:

The City has contracted with Republic Services, Inc. (or its predecessor companies) for approximately the last 20 years with our current contract expiring on March 31, 2016. Per the direction of Council, staff has issued and advertised a request for proposals (RFP) for Solid Waste and Recycling Services. In order to have adequate time for transition and implementation in the event a new vendor is awarded the contract, the City desires to extend the existing contract until July 31, 2016.

SPECIAL CONSIDERATION:

After evaluating implementation timelines in the event a new vendor is awarded the contract, it was determined that 90-120 days from the time the contract is awarded until the contract is in effect would be necessary to allow adequate staffing and equipment to meet requirements. This timeframe is consistent with industry standard.

FINANCIAL IMPACT/FUNDING SOURCE:

Four month extension. Adequate funding is available.

ATTACHMENTS:

Extension Letter

ALTERNATIVES:

Approve or Deny.

RECOMMENDATION:

Staff recommends approval as presented.

SUBMITTED and TO BE PRESENTED BY: Ann Honza, Finance Director for the Tuesday, February 9, 2016 City Council meeting.

A handwritten signature in cursive script, reading "Ann M. Honza", written over a horizontal line.

Ann Honza, CPA, Finance Director

REVIEWED BY:

A handwritten signature in cursive script, reading "Mary McDonald", written over a horizontal line.

Mary McDonald, Deputy City Secretary

APPROVED BY:

A handwritten signature in cursive script, reading "Chris Dick", written over a horizontal line.

Chris Dick, City Manager



January 15, 2016

Republic Services, Inc.
Attn: Laura Capehart
2559 FM66
Itasca TX 76055

SUBJ: Solid Waste Management Services

Dear Ms. Capehart:

The City of Midlothian would like to renew the subject contract listed above. Terms and conditions shall remain the same as for the previous contract period. Please indicate your intent below and sign where indicated. You may mail, email, or fax your response to the address or number listed below.

The City of Midlothian looks forward to continuing to do business with you. If you have questions, please call me at 972-775-7106. Also, please let us know if any of your company information/contacts have changed.

Sincerely,

Cheryl Allison
Purchasing Agent
cheryl.allison@midlothian.tx.us

Ordinance Number: 2014-06	Bid Amount: Various
Phone Number: 903-874-8717	Email address: <u>lcapehart@republicservices.com</u>
Contract term: 4 months	Contract end date: July 31, 2016
Renewal Date: April 1, 2016	Renewals remaining: None

We wish to RENEW NOT RENEW this contract as per terms of bid document.

Cheryl Allison
Authorized signature

1/22/16
Date



AGENDA ITEM 2016-44

AGENDA CAPTION: Discuss the proposed fee waivers requested by the negotiating committee for the current 3 year annexation area generally located southeast of the current city limits.

ITEM SUMMARY/BACKGROUND:

In December 2014, the Council approved a resolution to proceed with the annexation of \pm 3,471 acres (\pm 5.42 square miles) of land lying within the extraterritorial jurisdiction (ETJ) of the City of Midlothian, which adjoins the present city limit lines of the City of Midlothian. Part of the legal requirements of the annexation process is to negotiate the service plan with residents appointed by the Commissioner's Court. That process has been ongoing since December 2015 and has progressed well. However, one item remains in question regarding the length of time for waiver of building permit and/or inspection fees. Staff had proposed a one year waiver, however the negotiating committee is requesting a five year waiver. Staff would like to receive input from Council regarding this item.

SPECIAL CONSIDERATION:

Per the annexation timeline the service plan should be negotiated by June 1, 2016.

FINANCIAL IMPACT/FUNDING SOURCE: N/A

ATTACHMENTS: 1. General Permit Fee Estimates for Typical Homeowner Projects.

ALTERNATIVES: N/A

RECOMMENDATION:

Conduct discussion regarding fee waivers.

SUBMITTED and TO BE PRESENTED BY: Kevin Lasher, AICP, Planning Director for the Tuesday, February 9, 2016 City Council meeting.



Kevin Lasher, Planning Director

REVIEWED BY:



Mary McDonald, Deputy City Secretary

APPROVED BY:



Chris Dick, City Manager

General Permit Fee Estimates for Typical Homeowner Projects

Project	Fee
Water Heater replacement	\$ 40.00
HVAC replacement	\$ 40.00
Accessory Building W/ electrical (250 sq. ft.) valuation estimate \$4,000	\$ 98.00
Electrical panel replacement/ upgrade	up to 150 amps
	151 to 500 amps
	\$ 50.00
	\$ 100.00
In Ground swimming pools	\$ 150.00
Fence	\$ 25.00
Home Addition (300 sq. ft.) Valuation est. \$ 20,000	\$ 321.25
Plumbing water service or sewer service replacement	\$ 40.00