

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

**Tuesday, July 23, 2013  
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

2013-289 Announcements/Presentations

- a. Community Affairs calendar
- b. Administrative announcements related to personnel
- c. Presentation of proposed FY 2013-2014 Operating Budgets for the City of Midlothian General Fund and Utility Fund

2013-290 Citizens to be heard

2013-291 Receive an update on various City Board and Commission meetings and activities

2013-292 Consider and act upon minutes from City Council meetings of July 2 and July 9, 2013

2013-293 Consider and act upon a resolution to approve trust documents establishing the City of Midlothian, Texas Insurance Trust Fund, a single non-profit trust, that will allow the City of Midlothian to be exempt from insurance premium taxes and designating the Human Resources Director to act as Trustee and authorizing the City Manager to execute said trust documents.

2013-294 Consider and act upon a bid award to XIT Paving and Construction, Inc. for the Justice Center access driveway in a total alternate bid amount of \$164,774.29 and Change Order No. 1 in a deductive amount of \$25,339.52, for a revised total contract amount not to exceed \$139,434.77

2013-295 Consider and discuss the Request for Qualifications for a city-wide visioning program and direct staff regarding its distribution. (Case No. CP02-2012-68)

2013-296 Consider and act upon a request to allow right-of-way encroachment for 10 parking spaces at Jimmy's Restaurant. Property is generally located at the northeast corner of North 8<sup>th</sup> Street and West Avenue E in the City of Midlothian, Texas (Case No. M09-2012-87)

2013-297 Consider and act upon awarding a bid to McMichael Construction for the Jaycee Park Restroom Facility Renovation in the amount of \$49,825 plus a 5% contingency for a total amount not to exceed \$52,316

**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 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
2. Section 551.087 Deliberation regarding economic development negotiations
3. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property and easements

4. 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.
5. 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**

- 2013-298 Action resulting from Executive Session, Item #1: Texas Central Business Lines
- 2013-299 Action resulting from Executive Session, Item #2: Economic Development
- 2013-300 Action resulting from Executive Session, Item #3: Real Estate
- 2013-301 Action resulting from Executive Session, Item #4: ECOM
- 2013-302 Action resulting from Executive Session, Item #5: Contemplated litigation
- 2013-303 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 19<sup>th</sup> day of July, 2013 at or before 5:00 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.**