

**MINUTES
REGULAR COUNCIL MEETING
JULY 23, 2013**

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 6:04 p.m. with notice of the meeting duly posted and a quorum present. Councilmember Rodgers gave the invocation and led in the pledges.

2013-289 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

Every Saturday – 8am-12pm Midlothian Downtown Farmers Market at Heritage Park

August 5th 9am Wildflower & Bird Walk at Mockingbird Nature Park

b. Administrative announcements related to personnel

None were received

c. Presentation of proposed FY 2013-2014 Operating Budgets for the City of Midlothian General Fund and Utility Fund

Don Hastings presented the proposed FY 2013-2014 Budget and gave a brief overview. The first workshop to discuss the budget is July 26 at 8:30 a.m. in Council chambers.

2013-290 CITIZENS TO BE HEARD

None to be heard.

2013-291 RECEIVE AN UPDATE ON VARIOUS CITY BOARD AND COMMISSION MEETINGS AND ACTIVITIES

None were received.

2013-292 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETINGS OF JULY 2 AND JULY 9, 2013

Councilmember Sibley moved to accept the minutes as presented. Motion was seconded by Councilmember Miller and carried unanimously (7-0).

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.

Janet Goad presented the Item reporting that Blue Cross Blue Shield has requested that the City establish the insurance trust so that it may continue to receive the premium discount that results in a cost savings of approximately \$33,000 per year. Mayor pro tem Frizzell moved to approve Item 2013-293 as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

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

The Item was tabled for further discussion until after Executive Session.

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)

John Taylor presented the Item that was approved by the Planning and Zoning Commission on June 18 and is the first step in updating the City's current Comprehensive Plan. The RFQs will be distributed widely to all applicable websites and appropriate vendors. A selection committee will review the RFQs received and make its selection. Mayor pro tem Frizzell moved to approve authorizing staff to issue Request for Qualifications for a city-wide visioning program. Motion was seconded by Councilmember McClure and carried unanimously (7-0).

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 8TH STREET AND WEST AVENUE E IN THE CITY OF MIDLOTHIAN, TEXAS (CASE NO. M09-2012-87)

John Taylor presented the Item for 10 additional parking spaces within the City's right-of-way. Council discussion included parking availability in the downtown area, signage to indicate available parking in the rear of the subject property, and the possibility of parallel parking. Councilmember Miller moved to table the Item until City staff has an opportunity to re-write the request. Motion was seconded by Councilmember Henley and carried unanimously (7-0).

2013-297 CONSIDER AND ACT UPON AWARDED 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

Billy King presented the Item requesting that all received bids be rejected. The project will possibly be re-bid or the project scope revised with work to be performed by staff. Councilmember Sibley moved to reject all bids. Motion was seconded by Councilmember Miller and carried unanimously (7-0).

Council moved to Executive Session at 6:55 p.m. for the purpose of discussing Items 1, 3 and 2013-294 with the following present: Mayor Houston, Mayor pro tem Frizzell, Councilmembers Sibley, Rodgers, McClure, Henley, Miller; City Manager, City Attorney, City Engineer and Terry Morgan, attorney (via conference call).

EXECUTIVE SESSION

1. SECTION LEGAL: CONSULTATION WITH ATTORNEY REGARDING
551.071 CAUSE NO. 3-07-CV-1351-N, TEXAS CENTRAL BUSINESS LINES
CORPORATION V. CITY OF MIDLOTHIAN
2. SECTION DELIBERATION REGARDING ECONOMIC DEVELOPMENT
551.087 NEGOTIATIONS
3. SECTION REAL ESTATE: DELIBERATE AND CONSIDER THE
N 551.072 ACQUISITION OF REAL PROPERTY AND EASEMENTS
4. SECTION LEGAL: CONSULTATION WITH ATTORNEY REGARDING
551.071 SUPREME COURT OF TEXAS CAUSE NO. 10-0150, ECOM REAL
ESTATE MANAGEMENT, INC. V. CITY OF MIDLOTHIAN,
TEXAS.

5. SECTION LEGAL: CONSULTATION WITH ATTORNEY BASED ON AN
551.071 ETHICAL DUTY TO ADVISE REGARDING POTENTIAL
LITIGATION

Council reconvened in Regular Session at 7:50 p.m. with no action taken in Executive Session.

REGULAR AGENDA

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

Councilmember Sibley moved to approve Item 2013-294 as presented. Motion was seconded by Councilmember Miller and carried unanimously (7-0).

2013-298 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: TEXAS CENTRAL BUSINESS LINES

Mayor pro tem Frizzell moved to approve the Agreed Revised Judgment in Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2013-299 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: ECONOMIC DEVELOPMENT

The Item was not discussed in Executive Session.

2013-300 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: REAL ESTATE

City Engineer Mike Adams was present in Executive Session; no action taken following Executive Session.

2013-301 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: ECOM

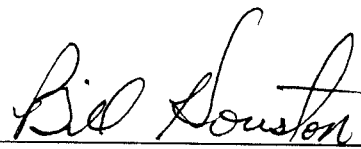
The Item was not discussed in Executive Session.

2013-302 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5: CONTEMPLATED LITIGATION

The Item was not discussed in Executive Session.

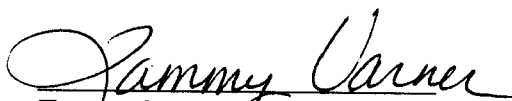
2013-303 ADJOURN

With there being no further business to discuss, Mayor Houston adjourned the meeting at 7:52 p.m.



Bill Houston, Mayor

ATTEST:


Tammy Varner, City Secretary