

**MIDLAND CITY COUNCIL
MINUTES
January 08, 2013**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:30 a.m. on January 08, 2013.

Council Members present: Mayor W. Wesley Perry, Mayor Pro Tem Jerry Morales (At-Large), Council Member Scott Dufford (At-Large), Council Member Jeff Sparks (District 1), Council Member John Love (District 2), Council Member John James (District 3), and Council Member Michael Trost (District 4).

Staff members present: City Manager Courtney Sharp, City Attorney Keith Stretcher, Deputy City Manager Tommy Hudson, Assistant City Manager Jim Nichols, City Secretary Amy Turner, Utilities Director Stuart Purvis, Downtown Development Manager Genora Young, Assistant Code Administration Manager Ron Jenkins, Building Official Steve Thorpe, Customer Service Manager Tony Goyang, Public Information Officer Sara Higgins, and Multimedia Developer Ryan Stout,

1. Receive an update from the Midland County Freshwater Supply District No. 1 regarding the delivery of water from T-Bar Ranch located in Winkler County and Loving County, Texas.

Jose Cuevas reported that the pipeline is ahead of schedule and expressed appreciation for the confidence placed in them.

Jay Edward provided an update on the project confirming they were ahead of schedule on the pipeline and on schedule for the rest of the project. He reviewed the administrative milestones achieved and reported that the operator has been hired and is in town assisting with the completion of the project. They received an award of for bond buyer deal of the year. He reviewed the construction milestones and shared pictures of the project in progress.

When asked about water quality, Mr. Edwards reported that preliminary testing has shown good water quality that will be ready to be delivered by summer.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:58 a.m.

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:05 a.m., January 08, 2013.

Council Members present: Mayor W. Wesley Perry, Mayor Pro Tem Jerry Morales (At-Large), Council Member Scott Dufford (At-Large), Council Member Jeff Sparks (District 1), Council Member John Love (District 2), Council

Member John James (District 3), and Council Member Michael Trost (District 4).

Staff members present at the annex table: City Manager Courtney Sharp, City Attorney Keith Stretcher, Deputy City Manager Tommy Hudson, and Assistant City Manager Jim Nichols.

The Agenda Items were heard in the following order: 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 5, 11, 14, 15, 16, 17, 18, 19, 29, 20, 21, 33, 22, 23, 24, 36, 25, 26, 27, 28, 30, 31, 32, 34.

OPENING ITEMS

1. Invocation - Pastor Robert Pase, Grace Lutheran Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

- a. Recognition of the 2012 Christmas Parade Float Winners.

Parks & Recreation Supervisor Mike Sadler presented trophies to the Christmas Parade Float Winners. 3rd place – Grace Lutheran Church; 2nd place – Rock Church Ministries; 1st place – Natural Gas Services Group; Best Lit Float – American Eagle Logistics.

- b. Presentation of a Proclamation for Crime Stoppers Month.

Council Member Trost presented a proclamation for Crime Stoppers Month.

PUBLIC COMMENT

4. Receive public comments where individuals may address the City Council on City related issues and projects. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting.

Ryder Warren, MISD Superintendant, updated the Council noting that 100 new students had been checked in. He provided Council with copies of presentations previously made to the school board, spoke briefly about security procedures on campus, addressed teen suicides, asked for help in finding replacement adolescent counseling services and answered questions about school finance and the current legislative session.

CONSENT AGENDA

Council Member Sparks moved to approve Consent Agenda items 6 - 13 excluding 5a, 11, 14; seconded by Council Member Morales. The motion carried by the following vote: AYE: Love,

Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

6. Approved a resolution approving a contract for pivot irrigation systems and parts for the Spraberry Farm. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 001

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE AND INSTALLATION OF TWO (2) CENTER PIVOT IRRIGATION SYSTEMS, WITH ADDITIONAL PARTS, FOR USE AT THE CITY'S SPRABERRY FARM FROM LAMESA IRRIGATION COMPANY, OF LAMESA, TEXAS, AT A TOTAL COST OF \$138,376.00

7. Approved a resolution approving a Professional Services Agreement with Freese & Nichols for consulting services for the Comprehensive Zoning Ordinance Update for the Planning Division. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 002

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FREESE AND NICHOLS, INC. FOR COMPREHENSIVE REVISIONS TO THE CITY OF MIDLAND'S ZONING CODE REGULATIONS; AND AUTHORIZING PAYMENT THEREFOR IN THE AMOUNT OF \$177,000

8. Approved a resolution approving a contract for dry cleaning services for 3 years for the Police Department, Fire Department, Municipal Court, Garage and Water & Wastewater. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 003

RESOLUTION AWARDING A 3-YEAR SERVICE CONTRACT FOR DRY CLEANING SERVICES TO GREGORY DCSC, L.L.C., DBA DRY CLEAN SUPER CENTER, OF MIDLAND, TEXAS, AT A TOTAL COST OF \$292,601.40

9. Approved a resolution of the City of Midland, Texas, requesting the Texas State Legislature and Governor of Texas take action to compel payday and auto title lenders to stop usurious lending and comply with the same standards as licensed consumer lenders in Texas. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2013 - 004

RESOLUTION OF THE CITY OF MIDLAND, TEXAS, REQUESTING THAT THE TEXAS STATE LEGISLATURE AND THE GOVERNOR OF TEXAS TAKE ACTION TO STOP USURIOUS LENDING BY PAYDAY AND AUTO TITLE LENDERS AND TO SUPPORT CITIES' AUTHORITY TO PASS ORDINANCES AIMED AT CURTAILING CREDIT ACCESS BUSINESSES' EXPLOITATION OF ECONOMICALLY VULNERABLE CITIZENS

10. Approved a resolution approving an Interlocal Cooperation Contract for the employment of a Downtown Development Coordinator ("Coordinator") and rescinding Resolution #2012-337. (DOWNTOWN DEVELOPMENT)

RESOLUTION NO. 2013 - 005

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL

COOPERATION CONTRACT BETWEEN THE CITY OF MIDLAND, THE MIDLAND DEVELOPMENT CORPORATION ("MDC"), THE DOWNTOWN MIDLAND MANAGEMENT DISTRICT ("DMMD") AND THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NUMBER ONE ("TIRZ") REGARDING THE CITY OF MIDLAND'S EMPLOYMENT OF A DOWNTOWN DEVELOPMENT COORDINATOR, AS AUTHORIZED BY CHAPTER 791 OF THE TEXAS LOCAL GOVERNMENT CODE; AND RESCINDING RESOLUTION NO. 2012-337

12. Approved a resolution authorizing staff to accept a sewer easement along the east side of Tradewinds Boulevard between Thomason Drive and Champions Drive. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 007

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.16-ACRE SEWER LINE EASEMENT LOCATED IN THE REMAINDER OF LOT 1, BLOCK 6, WESTRIDGE PARK ADDITION, SECTION 6, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

13. Approved a resolution to approve an Operating Certificate for a Taxicab Business. (POLICE)

RESOLUTION NO. 2013 - 008

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR KHODIAR TRADE INVESTMENT DBA METRO TAXI, TO OPERATE A TAXICAB BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

The following items were pulled from Consent Agenda and considered individually.

5. Consider a motion approving the following minutes:

- a. Regular Meeting of December 18, 2012.

Council Member James moved to approve the minutes of December 18, 2012; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: Love. ABSENT: None.

11. Consider a resolution authorizing staff to accept an offsite utility easement along the north side of I-20 between Terrell Street and Lamesa Road. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 006

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.0916-ACRE UTILITY EASEMENT FROM VICTOR R. CESENA; AUTHORIZING THE ACCEPTANCE OF A 0.4769-ACRE UTILITY EASEMENT FROM THE ESTATE OF PAUL B. HANDEL; AUTHORIZING THE ACCEPTANCE OF A 0.2712-ACRE UTILITY EASEMENT FROM BAREFOOT 6/91, LTD.; SAID EASEMENTS BEING LOCATED IN SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

Council Member Love moved to adopt Resolution No. 2013 - 006; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

14. Consider a resolution approving a contract for the Municipal Solid Waste Landfill Cell 7 Excavation and Liner Construction project. (SOLID WASTE)

RESOLUTION NO. 2013 - 009

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH R.E. MONKS CONSTRUCTION COMPANY, LLC FOR THE LABOR, MATERIAL, EQUIPMENT, AND SUPERVISION NECESSARY FOR THE CONSTRUCTION OF CELL 7 EXCAVATION AND LINER CONSTRUCTION AT THE CITY OF MIDLAND LANDFILL; SAID CONTRACT TO BE FOR A TOTAL AMOUNT OF \$5,772,510.20; AND APPROPRIATING FUNDS

Council Member Dufford asked if this item was worth rebidding or was it better to have as one big project.

Solid Waste Director Morris Williams reported it is better to bid as one big project. He noted that they separated it to ensure that they would be in budget. He explained that the other items were bid as alternates.

Council Member Morales moved to adopt Resolution No. 2013 - 009; seconded by Council Member Sparks.

Discussion ensued about the difference in the bids and whether a local contractor should be given preference.

Holly Holder of Parkhill Smith and Cooper reported that it is not uncommon to do a base bid and add alternates to ensure that a municipality comes in under budget. He reported he has experience with Ranger Excavation noting they have not made a final decision on the use of their subcontractors for subcomponents. The fact that the bids were \$5,000 apart is good from an engineer's aspect because it means the bids were clear enough that the bidders could sharpen their pencils to give the best bid.

When asked if change orders were common with a cell excavation, Mr. Holder reported that if the plans are thorough you generally don't see change orders. His last cell project was twice the size and had no change orders. He clarified that standard practice is to recommend the lowest bidder as long as there are no red flags associated with the contractor.

City Attorney Keith Stretcher suggested that a motion should include the change of the date on the contract to January 9th.

Council Member Dufford moved to amend the motion by changing the date of the contract to January 9, 2013; seconded by Council Member Love. The motion to amend carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

The motion, as amended, carried by the following vote: AYE: Love, Morales, Perry,

Dufford, James, Sparks. NAY: Trost. ABSTAIN: None. ABSENT: None.

SECOND READINGS

15. Consider an ordinance on second reading on a request by Midland Habitat for Humanity for a zone change from C-3, Commercial District to PD, Planned District for a Housing Development on Lots 14 through 26, Block 43, Lots 14 through 26, Block 44, and Lots 14 through 26, Block 45, Greenwood Addition, Third, Fourth & Fifth, City and County of Midland, Texas. (Generally located on the north side of Cloverdale Road, between South Jackson Street and South Webster Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9093

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 14-26, BLOCK 43, LOTS 14-26, BLOCK 44, AND LOTS 14-26, BLOCK 45, GREENWOOD ADDITION, THIRD, FOURTH, AND FIFTH, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED C-3, COMMERCIAL DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE NORTH SIDE OF CLOVERDALE ROAD, BETWEEN SOUTH JACKSON STREET AND SOUTH WEBSTER STREET); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Reyes read the caption of Ordinance No. 9093.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9093 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

16. Consider an ordinance on second reading on a request by Chris Vore for a zone change from C-3, Commercial District to PD, Planned District for a Housing Development on a 5.00-acre tract of land out of Blocks 84 and 85, East Midland Addition, City and County of Midland, Texas. (Generally located on the west side of North Fairgrounds Road, approximately 950 feet south of East Golf Course Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9094

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 5.00-ACRE TRACT OF LAND OUT OF BLOCKS 84 AND 85, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED C-3, COMMERCIAL DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE WEST SIDE OF FAIRGROUNDS ROAD, SOUTH OF GOLF COURSE ROAD); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY

OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Reyes read the caption of Ordinance No. 9094.

Questions were raised about the second phase and whether the entire fence could be built in the first phase. The applicant was not present.

Council Member Morales moved to continue the item to a future date when applicant could be present; seconded by Council Member James. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

17. Consider an ordinance on second reading on a request by Dusty Evans for a zone change from AE, Agriculture Estate District on a 3.911-acre tract of land and from PD, Planned District of a Shopping Center on a 7.709-acre tract, to LR-2, Local Retail District all out of Section 8, Block "X", H.P. Hilliard Co. Survey, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of North Midkiff Road and Mockingbird Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9095

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 3.911-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, AND A 7.709-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND MOCKINGBIRD LANE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Reyes read the caption of Ordinance No. 9095.

Council Member James moved to approve the second and final reading of Ordinance No. 9095 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

18. Consider an ordinance on second reading designating the I-20 Wildlife Preserve as parkland and establishing Title IX "Public Ways and Property," Chapter 5 "Parks and Playgrounds," Section 18 "Hours of Use of Public Parks," Subsection C of the City Code of Midland, Texas. (COMMUNITY SERVICES)

ORDINANCE NO. 9098

AN ORDINANCE DESIGNATING THE I-20 WILDLIFE PRESERVE AS PARKLAND; AMENDING TITLE IX, "PUBLIC WAYS AND PROPERTY", CHAPTER 5, "PARKS AND PLAYGROUNDS", SECTION 18, "HOURS OF USE OF PUBLIC PARKS",

ESTABLISHING SUBSECTION (C) OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO ESTABLISH PROVISIONS CONCERNING HOURS OF USE AND RULES AND REGULATIONS FOR THE I-20 WILDLIFE PRESERVE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); AND ORDERING PUBLICATION

Deputy City Secretary Reyes read the caption of Ordinance No. 9098.

Council Member Love moved to approve the second and final reading of Ordinance No. 9098 in accordance with the Charter of the City of Midland; seconded by Council Member Morales. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

PUBLIC HEARINGS

19. At approximately 10:30 a.m. hold a public hearing and consider an ordinance on a request by Kenneth Gray for the vacation of a 45 foot by 311.94 foot portion of the right-of-way of North State Highway 349 adjacent to Lots 1, 2 and 3, Block 1, 349 Ranch Estates. (Generally located on the northeast corner of North State Highway 349 and Tejas.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9099

AN ORDINANCE VACATING AND ABANDONING A 45-FOOT BY 311.94-FOOT PORTION OF RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 1, 2 AND 3, BLOCK 1, 349 RANCH ESTATES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, BETWEEN ARAPAHOE ROAD AND TEJAS); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$14,037.00; AND ORDERING RECORDATION BY THE CITY SECRETARY.

Planning Division Manager gave an overview of the item noting Mr. Chalmers was requested vacation of the right-of-way in the front portion of his property. He also noted that another property owned by Mr. Gray has also requested vacation of the right-of-way (Agenda Item 29). There is a third owner that owns one of the five lots, Kevin Wilton, who submitted a letter of objection to the vacation. The appraisal district has estimated the land to be \$1 a square foot and the applicant is requesting the property be sold between 10 and 25 cents per square foot.

Mayor Perry opened the public hearing at 11:01 a.m.

Kevin Wilton, 503 West Broadway, stated he was the owner of Lot 3. He felt vacating the right-of-way would make his lot worthless because it would take away his ability to get in and out of his property in the front. He is already constrained with water and drainage issues on his property and expects to lose half of his property to deal with those issues. He has close to \$5,000 invested in planning of the building and a drainage study. He has not had time to get a solution planned that would suit everyone. He objected to this item and asked for more time to find a solution. He clarified that the change would force access to his property off of Tejas and it may force entry onto the property from a location that he does not want. He stated he did not want his name included on the other applications.

Ken Gray, 4505 Meadowlark, reported he filed his application in an effort to protect himself. He has storage units and a cell tower on his property. His concern is that he does not want to lose access to his property from Arapahoe and didn't feel comfortable doing this without having access from at least one direction, but prefers to keep both. When asked if he would be okay with deferring this item, Mr. Gray noted he would have no problem with a deferral.

Cliff Chalmers, 5100 Ashdown Place, he bought his initial piece of property for ten cents a square foot and property across the street was appraised at 25 cents a square foot. He felt that between 11 cents and 25 cents a square foot would be a more reasonable price. His intent is not to harm Mr. Gray's business and he felt he could still have access from Highway 349. He created access to a different property on Highway 349 that was approved by TXDOT at a cost of \$3,500. He is trying to acquire the 45 foot strip of land in front of his two lots because he is giving up about 100 feet on the east end of his property to create a retention basin.

Kevin Wilton stated he would just like to see this item die because he does not want it to continue hanging over his head.

There being no one else present wishing to speak, the public hearing was closed at 11:24 a.m.

Council Member Sparks moved to change the price to 11.5 cents per square foot; seconded by Council Member Dufford. The motion failed by the following vote: AYE: Sparks. NAY: Love, Morales, Trost, Perry, Dufford, James. ABSTAIN: None. ABSENT: None.

Council Member James moved to deny the ordinance on a request by Kenneth Gray for the vacation of a 45 foot by 311.94 foot portion of the right-of-way of North State Highway 349 adjacent to Lots 1, 2 and 3, Block 1, 349 Ranch Estates and to waive the application fee if resubmitted; seconded by Council Member Trost. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James. NAY: Sparks. ABSTAIN: None. ABSENT: None.

20. At approximately 10:33 a.m. hold a public hearing regarding a proposed Oil and Gas Permit to Bluestem Energy Holdings, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Evans P 1) located 490 feet from the south line and 565 feet from the east line located in Section 8, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of the North Midkiff Drive, approximately 490 feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave an overview of the item noting that one letter of objection had been received after the agenda packet went out. The Oil & Gas Advisory Committee reviewed the application and voted 2-2 against granting a two year variance for landscape and irrigation.

Mayor Perry opened the public hearing at 11:45 a.m. There being no one present wishing to speak, the public hearing was closed. No further action was taken on this item.

21. At approximately 10:36 a.m. hold a public hearing regarding a proposed Oil and Gas Permit to Bluestem Energy Holdings, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Evans A 1) located 993 feet from the north line and 490 feet from the east line located in Section 8, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of the North Midkiff Drive, approximately ¾ mile north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave an overview of the item reporting that no letters of objection had been received. This item was reviewed by the Oil & Gas Advisory Committee and received unanimous recommendation for a two-year variance for landscaping and irrigation.

Mayor Perry opened the public hearing at 11:47 a.m. There being no one present wishing to speak, the public hearing was closed. No further action was taken on this item.

22. At approximately 10:39 a.m. hold a public hearing regarding a proposed Oil and Gas Permit to Bluestem Energy Holdings, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Evans B 2) located 490 feet from the north line and 2,328 feet from the east line located in Section 8, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of North Midkiff Drive, approximately 1 mile north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave an overview of the item noting that no letters of objection had been received and that the Oil & Gas Advisory Committee recommended that the two-year variance for landscaping and irrigation be approved.

Mayor Perry opened the public hearing at 11:58 a.m. There being no one present wishing to speak, the public hearing was closed. No further action was taken on this item.

23. At approximately 10:42 a.m. hold a public hearing regarding a proposed Oil and Gas Permit to Bluestem Energy Holdings, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Evans O 1) located 654 feet from the south line and 1,860 feet from the east line located in Section 8, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Mockingbird Lane, approximately 1/3 mile west of North Midkiff Drive.) (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave an overview of the item noting that no letters of objection had been received and that the Oil & Gas Advisory Committee had a split vote on the two-year variance for landscape and irrigation.

Mayor Perry opened the public hearing at 11:58 a.m. There being no one present wishing to speak, the public hearing was closed. No further action was taken on this item.

24. At approximately 10:45 a.m. hold a public hearing and consider an ordinance on a request by David Miller for a zone change from PD, Planned District for a Housing Development to an Amended Planned District on 14.05-acres out of Section 19, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located at the south side of West Wadley Avenue, approximately 450 feet east of Sunburst

Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9100

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 14.05-ACRE TRACT OF LAND OUT OF SECTION 19, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED AT THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 450 FEET EAST OF SUNBURST DRIVE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Cameron Walker gave an overview of the item noting the intent is to build a three-story apartment complex. The development company has changed the building materials and has submitted new elevations for the record. Two letters of objection were received. He clarified that no other changes were being made and that a sight-line study was completed last fall.

Mayor Perry opened the public hearing at 12:05 a.m.

David Miller, McDougal Construction and Development, reported that previously the buildings were all stucco. When they looked at the surrounding neighborhood they felt that a stucco brick combination would be a better fit for the neighborhood.

There being no one else wishing to speak, the public hearing was closed at 12:09 p.m.

Deputy City Secretary Reyes read the caption of Ordinance No. 9100.

Council Member Trost moved approval of the first of two readings of Ordinance No. 9100 in accordance with the Charter of the City of Midland; seconded by Council Member James.

Council Member Dufford moved to amend the motion by changing Section 2 Paragraph one to read "proposal shall conform to the conditions"; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

City Attorney Stretcher clarified that the Ordinance controls; not an elevation. He asked that any concerns be specified before the second reading of the Ordinance.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

MISCELLANEOUS

25. Consider a resolution approving the issuance of a permit to Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Chaps No. 2) located 2,167 feet from the north line and 600 feet from the west line, Section 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the south side of the Passage Way, approximately 600 feet east of North Midkiff Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 010

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO ENDEAVOR ENERGY RESOURCES, LP ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,167 FEET FROM THE NORTH LINE AND 600 FEET FROM THE WEST LINE, SECTION 9, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF PASSAGE WAY, APPROXIMATELY 600 FEET EAST OF NORTH MIDKIFF ROAD)

Oil & Gas Compliance Officer Ron Jenkins gave an overview of the item noting it was reviewed by the Oil & Gas Advisory Committee. He reported that since the prior meeting Endeavor has added Control of Well Insurance. He also reported that a surface agreement was not being required due to the prior settlement with Chaps #1. Four letters of objection were received. When asked how Endeavor conducted business in the City limits, Mr. Jenkins reported they were very prompt in addressing items and that they had a good working relationship.

Council Member James moved to adopt Resolution No. 2013 - 010; seconded by Council Member Love.

Council Member Trost asked Janet Walton to address the City Council.

Janet Walton, 2700 N. Garfield, reported she has not continued to meet with Endeavor because it is unclear who is representing them due to a divorce. She spoke about certain restrictions that would be placed on Endeavor that were not in the first statute. She noted there is an appeal pending in Eastland Court of Appeals on a takings lawsuit filed against the City of Midland and that if it is ruled there was a takings, the City will be required to reimburse them.

The motion carried by the following vote: AYE: Love, Morales, Trost, Dufford, James, Sparks. NAY: None. ABSTAIN: Perry. ABSENT: None.

26. Consider a resolution approving the issuance of a permit to Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Chaps No. 3) located 2,167 feet from the north line and 1,950 feet from the west line, Section 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the south side of the Passage Way, approximately 1,950 feet east of North Midkiff Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 011

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO ENDEAVOR ENERGY RESOURCES, LP ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,167 FEET FROM THE NORTH LINE AND 1,950 FEET FROM THE WEST LINE, SECTION 9, BLOCK "X", H.P. HILLIARD

SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF PASSAGE WAY, APPROXIMATELY 1,950 FEET EAST OF NORTH MIDKIFF ROAD)

Oil & Gas Compliance Officer Ron Jenkins reported two letters of objection had been received, this was the same as the previous application and Control of Well Insurance has been provided.

Council Member Love moved to adopt Resolution No. 2013 - 011; seconded by Council Member Trost. The motion carried by the following vote: AYE: Love, Morales, Trost, Dufford, James, Sparks. NAY: None. ABSTAIN: Perry. ABSENT: None.

27. Consider a resolution authorizing the execution of a Road Repair Agreement with Endeavor Energy Resources, LP, regarding its applications to drill oil and gas wells (Chaps No. 2 and Chaps No. 3) within the City Limits, in Section 9, Block "X", H.P. Hilliard Survey, Midland County, Texas. The Road Repair Agreement will cover Midkiff Road and be in the amount of \$75,000.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 012

RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH ENDEAVOR ENERGY RESOURCES, LP REGARDING ITS APPLICATIONS TO DRILL OIL AND GAS WELLS (CHAPS NO. 2 AND CHAPS NO. 3) WITHIN THE CITY LIMITS IN SECTION 9, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

Oil & Gas Compliance officer Ron Jenkins reported the agreement included \$75,000 for multiple wells.

Council Member James moved to adopt Resolution No. 2013 - 012; seconded by Council Member Love. The motion carried by the following vote: AYE: Love, Morales, Trost, Dufford, James, Sparks. NAY: None. ABSTAIN: Perry. ABSENT: None.

28. Consider a resolution authorizing a right-of-way crossing license with the City of Midland, Texas and Endeavor Energy Resources, L.P. for the purpose of installing one 3" Gas, Oil and Production Water poly pipeline and one 4" Fresh Water poly pipeline line contained within an 8 1/2" standard steel casing under a portion of Passage Way right-of-way within the City of Midland, Texas, Section 9, Block X, H.P. Hilliard Survey, City of Midland, Midland County Texas. (ENGINEERING SERVICES)

ORDINANCE NO. 2013-013

RESOLUTION AUTHORIZING A RIGHT-OF-WAY CROSSING LICENSE WITH THE CITY OF MIDLAND, TEXAS AND ENDEAVOR ENERGY RESOURCES, L.P.; SAID RIGHT-OF-WAY LICENSE IS FOR THE PURPOSE OF INSTALLING ONE (1) THREE INCH (3") OIL AND GAS, PRODUCTION WATER POLY PIPELINE, AND ONE FOUR INCH (4") FRESH WATER POLY PIPELINE ALL CONTAINED WITHIN AN EIGHT AND ONE-HALF INCH (8 1/2) STANDARD STEEL CASING UNDER A PORTION OF PASSAGE WAY; THE CASING IS LOCATED WITHIN THE CITY OF MIDLAND RIGHT-OF-WAY, SECTION 9, BLOCK "X", H.P. HILLIARD SURVEY, MIDLAND, MIDLAND COUNTY, TEXAS; THE LICENSE TERM IS FOR FIVE (5) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE AND MAY BE RENEWED AT THE END OF THE TERM FOR ONE ADDITIONAL FIVE (5) YEAR TERM UPON 90 DAYS WRITTEN

REQUEST PRIOR TO EXPIRATION

Traffic Engineer Gary Saunders provided an overview of the item noting it was for flow lines and gathering lines for the permit that was just issued.

Council Member Trost moved to adopt Resolution No. 2013-013; seconded by Council Member Love. The motion carried by the following vote: AYE: Love, Morales, Trost, Dufford, James, Sparks. NAY: None. ABSTAIN: Perry. ABSENT: None.

29. Continue consideration of an ordinance vacating a 45 foot by 215 foot portion of the right-of-way of North State Highway 349 adjacent to Lots 1 and 2, Block 18, 349 Ranch Estates, Section 3. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9101

AN ORDINANCE VACATING AND ABANDONING A 45-FOOT BY 215-FOOT PORTION OF RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 1 AND 2, BLOCK 18, 349 RANCH ESTATES ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF STATE HIGHWAY 349 AND ARAPAHOE ROAD); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$9,675.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Council Member James moved to deny an ordinance vacating a 45 foot by 215 foot portion of the right-of-way of North State Highway 349 adjacent to Lots 1 and 2, Block 18, 349 Ranch Estates, Section 3 with the amendment to waive the application fee if a new application is received; seconded by Council Member Morales. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James. NAY: Sparks. ABSTAIN: None. ABSENT: None.

30. Consider a resolution approving the issuance of a permit to Bluestem Energy Holdings, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Evans E 1) located 2,073 feet from the north line and 1,009 feet from the west line located in Section 8, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the east side of the North Midland Drive, approximately 3/4 mile north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 014

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO BLUESTEM ENERGY HOLDINGS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,073 FEET FROM THE NORTH LINE AND 1,009 FEET FROM THE WEST LINE, SECTION 8, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MIDLAND DRIVE, APPROXIMATELY 3/4 OF A MILE NORTH OF MOCKINGBIRD LANE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Oil & Gas Compliance Officer Ron Jenkins gave an overview of the item noting that one letter of objection had been received and that the Oil & Gas Advisory Committee recommended no variance be given for landscape and irrigation but the landowner was requesting the variance be granted.

Council Member Sparks moved to adopt Resolution No. 2013 - 014; seconded by Council Member Love.

Council Member James moved to amend the motion by not granting a two year variance on landscaping and irrigation. Due to a lack of a second, the motion died.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

31. Consider a resolution approving the issuance of a permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 #11) located 947 feet from the west line and 660 feet from the south line located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of Briarwood Avenue, approximately one half mile west of Golden Gate Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 015

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 947 FEET FROM THE WEST LINE AND 660 FEET FROM THE SOUTH LINE, SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY ½ MILE WEST OF GOLDEN GATE DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Oil and Gas Compliance Officer Ron Jenkins reported that no letters of objection had been received and that the Oil & Gas Advisory Committee recommended that no variance be given for landscaping and irrigation. The road repair agreement will be consolidated with their other permits.

Council Member James moved to adopt Resolution No. 2013 - 015; seconded by Council Member Morales.

Jimmy Wright, 1608 Bedford, land manager for Callon Petroleum, clarified they are requesting a temporary two-year waiver for the installation of landscaping and irrigation because they have a number of other wells in the area that they have received a variance for and would like to maintain flexibility for future development in the next couple of years. They do not want to plant trees and then have to rip them out later. They are trying to maintain consistency.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

32. Consider an ordinance on a request for the vacation of the 0.23-acre north/south and east/west alley adjacent to Lot 1, Block 10, and to Lot 15, Block 11, Trueland Addition, Section 2, City and County of Midland, Texas. (Generally located near the southwest corner of E. Scharbauer Drive and N. Fairgrounds Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9102

AN ORDINANCE VACATING AND ABANDONING A 0.23-ACRE NORTH/SOUTH AND EAST/WEST ALLEY ADJACENT TO LOT 1, BLOCK 10, AND LOT 15, BLOCK 11, TRUELAND ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NEAR THE SOUTHWEST CORNER OF THE INTERSECTION OF SCHARBAUER DRIVE AND NORTH FAIRGROUNDS ROAD); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$902.00; WAIVING THE FEE FOR THE COST OF THE RIGHT-OF-WAY; AND ORDERING RECORDATION BY THE CITY SECRETARY.

Planning Division Manager Cameron Walker gave an overview of the item noting the property had been platted on two separate occasions but never developed. When the property is developed they will give land to the City for the widening of Midland Draw. He noted that they do not expect this item back for a second reading for some time.

Deputy City Secretary Reyes read the caption of Ordinance No. 9102.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9102 in accordance with the Charter of the City of Midland; seconded by Council Member Trost. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

33. Consider a motion interpreting Ordinances 7500 and 6862 as they relate to the development of property for medical office and residential uses. Said ordinances regulate property generally located on the south side of Andrews Highway 200 feet east of Upland Drive. (DEVELOPMENT SERVICES)

Planning Division Manager Cameron Walker provided an overview of the item noting that Dr. Wasenburg would like to build a single residence behind his chiropractic clinic and asked Council to make an interpretation of governing ordinances to determine if it is an appropriate use. He reported the current ordinance specifies where the clinic has to be and regulates signage, but does not regulate any additional use of the property for residential purposes. He noted if approved, the site plan would need to be amended to show where the residence would be located. In his opinion there was room at the back of the property for a residence. He also noted that many of the businesses were made to look like private residences in the area.

Council Member Sparks moved to approve interpreting Ordinances 7500 and 6862 as they relate to the development of property for medical office and residential uses to allow for building a residential structure; seconded by Council Member Trost.

Dr. Wasenburg noted the request was important to him. He stated he intentionally built his business to look like a home as did others in the area. He intends to live in the home and continue to practice part-time while share his practice with another practitioner.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

34. Consider an Ordinance Amending Title III. "Departments", Chapter 1, "Water

Department", Section 2, "Rates", Subsection (A), "Customers Inside of City Limits", of the City Code of Midland, Texas, so as to Clarify the Rates Charged for Water and Sewer Services; Containing a Cumulative Clause; Containing a Savings and Severability Clause; and Ordering Publication; and the City Manager Shall Notify All Customers Outside the City Limits as Required by State Law. (UTILITIES)

ORDINANCE NO. 9103

AN ORDINANCE AMENDING TITLE III, "DEPARTMENTS", CHAPTER 1, "WATER DEPARTMENT", SECTION 2, "RATES," SUBSECTION (A), "CUSTOMERS INSIDE OF CITY LIMITS," SUB-SUBSECTION 2., "SEWER RATES," OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO CLARIFY THE RATES CHARGED TO CUSTOMERS INSIDE THE CITY LIMITS FOR SEWER SERVICE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION; AND THE CITY MANAGER SHALL NOTIFY ALL CUSTOMERS OUTSIDE THE CITY LIMITS AS REQUIRED BY STATE LAW

Utility Director Stuart Purvis reported that the rates are not being changed they are only clarifying what rates are currently being charged today.

Deputy City Secretary Reyes read the caption of Ordinance No. 9103.

Council Member Morales moved approval of the first of two readings of Ordinance No. 9103 in accordance with the Charter of the City of Midland; seconded by Council Member Trost. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

35. Consider a motion making appointments to various Boards and Commissions.

No appointments were made.

EXECUTIVE SESSION

36. Mayor Perry announced that pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:

- a. Section 551.071 Consultation with the City Attorney
 - a.1. Discuss Section 36.121 and Section 36.122 of the Texas Water Code.
- b. Section 551.072 Deliberation Regarding Real Property.
 - b.1. Discuss the purchase, exchange lease or value of real property described as Block 027, Lots 07A and 13A, Original Town Addition, Midland, Midland County, Texas.

Mayor Perry recessed the meeting to Executive Session at 12:15 p.m. noting that the remaining items would be heard at 1:00 p.m.

The entire Council met in Executive Session until 1:04 p.m. The regular meeting reconvened at 1:06 p.m.

All of the business at hand having been completed, the meeting adjourned at 1:53 p.m.

PASSED AND APPROVED the 22nd day of January, 2012.

W. Wesley Perry, Mayor

ATTEST:

Amy M. Turner, City Secretary