

**MIDLAND CITY COUNCIL
MINUTES
January 14, 2014**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on January 14, 2014.

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

Council Members absent: None.

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, Police Chief Price Robinson, General Services Director Robert Patrick, Fire Chief Robert Patrick, Utilities Director Stuart Purvis, Administrative Services Director Catherine Clifton, Finance Director Bob McNaughton, Community Services Director Tina Jauz, Acting Engineering Director David Beard, Planning Division Manager Cameron Walker, Building Official Steve Thorpe, GIS Manager Bill Hodge, Public Information Officer Sara Higgins, Multimedia Developer Ryan Stout, and Community Development Manager Sylvester Cantu.

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at ____ a.m., January 14, 2014.

Council Members present: Mayor W. Wesley Perry, Council Member Jerry Morales (At-Large), Council Member Scott Dufford (At-Large), Mayor Pro Tem 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:

OPENING ITEMS

cto 10:03 a.m.

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

PRESENTATIONS

Kwik Ken tied grace lutheran church third place

2nd - crazy 8 motorsports

1st - Girl Scouts of the Desert Southwest

Overall judges winner best lighted Float - American Eagle Logistics LLC

recognize best City Department Float - Community Services

Spacail recognition Joel Hawkins for time and dedication played pivotal positions thanked for volunteering appreciation 5 years volunteer services.

Crime Stoppers Jan 2014 30 years Crime Stoppers in Midland Sparks presentation proclamation. Caroly hatcher sandy marv debtman angie valenzuela executive director.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Recognition of 2013 Christmas Parade Float Winners.
 - b. Presentation of a Proclamation for Crime Stoppers Month.

PUBLIC COMMENT

Steven Garcia Gail house machinery, 6701 Eastridge, Odessa, here to address Agenda #8 bid for heavy machinery go over fact this bid could be rejected this is precedence city does not want to go through. When presented gave 3 weeks for bid and opportunity for prebid and when bid opened to have window of opportunity to have problems with no response and then opened to have question at that point unfair advantage. Bid asks for exceptions if bids are rejected. Derek Shiled yellow house machinery here been involved in bid process first time before Council to express never had need. There was a time for exceptions in bid process that could of been addressed and never were. Once numbers were revealed ruins integrity of bid process to go out to bid because all cards are all table. Hope it doesn't get rejected.

no further.

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. (Please limit remarks to no more than three minutes per person.)

CONSENT AGENDA

Council Member Dufford moved to approve Consent Agenda items 10 - 20 excluding 5,

a, 6, 7, 8, 9, 12, 13, 15; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: None.

10. Approved a resolution approving the Assignment, Assumption and Release Agreement of current Rental Car Lease Agreement from Lewis Transportation Group, LLC, dba Dollar Rent a Car/Thrifty Car Rental, to DTG Operations, Inc., (corporate owner of The Hertz Corporation). (AIRPORTS)

RESOLUTION NO. 2014-005

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE, APPROVE AND EXECUTE AN ASSIGNMENT, ASSUMPTION AND RELEASE AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND LEWIS TRANSPORTATION GROUP, LLC, D/B/A DOLLAR RENT A CAR/THRIFTY CAR RENTAL, A UTAH CORPORATION AND DTG OPERATIONS, INCORPORATED, AN OKLAHOMA CORPORATION REGARDING OPERATING A RENTAL CAR CONCESSIONS AT THE MIDLAND INTERNATIONAL AIRPORT

11. Approved a resolution authorizing the City Manager to negotiate, approve and execute an amendment to the agreement with the Midland County Fresh Water Supply District No. 1. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2014-006

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE, APPROVE AND EXECUTE AN AMENDMENT TO THE AGREEMENT WITH THE MIDLAND COUNTY FRESH WATER SUPPLY DISTRICT NO. 1 REGARDING THE DEVELOPMENT OF THE CLEARWATER RANCH IN WINKLER COUNTY, TEXAS; AND THE CLEARWATER RANCH IS APPROXIMATELY 6,745.7 ACRES, MORE OR LESS

14. Approved a resolution authorizing the annexation of property totaling approximately 4.99 acres into the Downtown Midland Management District. (DOWNTOWN DEVELOPMENT)

RESOLUTION NO. 2014-009

RESOLUTION AUTHORIZING THE ANNEXATION OR INCLUSION OF APPROXIMATELY 4.99 ACRES INTO THE DOWNTOWN MIDLAND MANAGEMENT DISTRICT; SAID PROPERTY BEING FURTHER DESCRIBED AS LOT 1A, BLOCK 109, SECTION 6, ORIGINAL TOWN ADDITION, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS AND LOTS 4, 5, 6R, 7R, 8 THROUGH 12, BLOCK 93, ORIGINAL TOWN ADDITION, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

16. Consider the following items:

Approved a motion on a request by West Company of Midland, Inc. for the Lost Mountain Addition — Section 4 to approve items requested for deferral in the amount of \$34,307 and to accept \$8,577 in lieu of the associated public improvement guarantee. The subject property is located along the Passage Way right-of-way alignment approximately 1300 feet west of the future Garfield Street alignment.

Approved a resolution authorizing the execution of a Public Improvement Development Agreement with 4C Stables, Inc. for the future design and construction of water distribution and paving improvements to serve the Lost Mountain Addition — Section 4; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code.

RESOLUTION NO. 2014-011

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH 4C STABLES, INC. FOR PAVING IMPROVEMENTS TO PASSAGE WAY AND WATER DISTRIBUTION IMPROVEMENTS TO LOST MOUNTAIN ADDITION, SECTION 4; AND APPROPRIATING FUNDS THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

17. Approved a resolution to accept Midland Development Corporation funds in the amount of \$300,000 and allocate funds in order for the City of Midland to design and construct a 36"Ø bore under Interstate 20 at Midkiff Road, and appropriate funds. (ENGINEERING SERVICES)

RESOLUTION NO. 2014-012

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE CITY OF MIDLAND FOR THE INSTALLATION OF A BORE AND WATER MAIN UNDER INTERSTATE 20 NEAR MIDKIFF ROAD, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE; AND APPROPRIATING FUNDS THEREFOR

18. Approved a resolution to accept Midland Development Corporation funds in the amount of \$200,000 and allocate funds in order for the City of Midland to design and construct a 36"Ø bore under Interstate 20 at Midland Road, and appropriate funds. (ENGINEERING SERVICES)

RESOLUTION NO. 2014-014

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE CITY OF MIDLAND FOR THE INSTALLATION OF A BORE AND WATER MAIN UNDER INTERSTATE 20 NEAR MIDLAND DRIVE, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE; AND APPROPRIATING FUNDS THEREFOR

19. Approved a resolution approving a Right of Way License with Dawson Geophysical to conduct a 3D geophysical survey on 5 acres of City property located at Section 43, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2014-015

RESOLUTION AUTHORIZING THE EXECUTION OF A SIX-MONTH TEMPORARY RIGHT-OF-WAY LICENSE WITH DAWSON GEOPHYSICAL COMPANY, FOR SEISMIC TESTING ACROSS CITY-OWNED PROPERTY IN SECTION 43, BLOCK 40, T-1-S, MIDLAND COUNTY, TEXAS, NEAR FM 1788

20. Approved a resolution approving a Right of Way License with Dawson Geophysical to conduct a 3D Geophysical Survey on 4,539.67 acres of City property located at T-Bar Ranch. (UTILITIES)

RESOLUTION NO. 2014-016

RESOLUTION AUTHORIZING THE EXECUTION OF A SIX-MONTH TEMPORARY RIGHT-OF-WAY LICENSE WITH DAWSON GEOPHYSICAL COMPANY, FOR SEISMIC TESTING ACROSS CITY-OWNED PROPERTY IN BLOCK C-24, SECTIONS 2, 3, 4, 5, 6, 7, 12, 17 AND 18, LOVING COUNTY, TEXAS, AT T-BAR RANCH

5. Approved a motion approving the following minutes:

Council Member Love moved to approve Approved a motion approving the following minutes;; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Love, Sparks, Morales, Dufford. NAY: None. ABSTAIN: Hotchkiss, Lacy. ABSENT: None.

Regular meeting of December 17, 2013.

Council Member Love moved to approve Approved a motion approving the following minutes;; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Love, Sparks, Morales, Dufford. NAY: None. ABSTAIN: Hotchkiss, Lacy. ABSENT: None.

6. Approved a resolution amending authorized representatives on City of Midland Texpool Investment Account. (FINANCE)

RESOLUTION NO. 2014-001

RESOLUTION AMENDING THE AUTHORIZED REPRESENTATIVES OF THE CITY OF MIDLAND, TEXAS, REGARDING INVESTMENTS OF PUBLIC FUNDS; AND THAT PAM SIMECKA, THE CITY'S NEW DIRECTOR OF FINANCE, REPLACES BOB MCNAUGHTON AS A REPRESENTATIVE OF THE CITY OF MIDLAND ON THE TEXAS LOCAL GOVERNMENT INVESTMENT POOL (TEXPOOL/TEXPOOL PRIME)

Love pulled understand adding Pam want to understand who Thomas Howel and charlene Fox is because their nmaes in Ordinance about to vote on. Pam Thomas Howell City comptroller charlene accting manager can do if not around. They will do between investments with TxPool and wont' be pulling money out. ONLY place can transfer between pool and pull to City checking account. Love were they previously on as authorized. Pam yes. only taking Bob off and adding Pam.

Council Member Love moved to adopt Resolution No. 2014-001; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: None.

7. Approved a resolution approving the sale of real property described as Lot 8, Block 21, Midland Heights Addition, (generally known as 1208 West New Jersey Street) for the Community Development Division. (PURCHASING)

RESOLUTION NO. 2014-002

RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY DESCRIBED AS LOT 8, BLOCK 21, MIDLAND HEIGHTS ADDITION, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, (GENERALLY KNOWN AS 1208 WEST NEW JERSEY STREET, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS), TO SOLEDAD F. NIETO OF MIDLAND, TEXAS, FOR \$70,000.00; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE DEED DOCUMENTS; ALL CLOSING COSTS TO BE BORNE BY SOLEDAD F. NIETO; CLOSING SHALL BE CONDUCTED AT LONE STAR ABSTRACT & TITLE CO., INC. OF MIDLAND, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY; AND THE CITY MANAGER IS HEREBY AUTHORIZED TO SELECT THE TYPE OF DEED TO TRANSFER THE PROPERTY; AND PRIOR TO CLOSING, SOLEDAD F. NIETO SHALL PAY ALL MUNICIPAL UTILITY LIENS AGAINST THE PROPERTY; AND THE CITY OF MIDLAND SHALL RESERVE THE MINERALS, IF ANY, IN THE DEED

Love curious as to what liens exist and how much. Sylvester water lien of \$271

Council Member Love moved to adopt Resolution No. 2014-002; seconded by Council Member Sparks.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: None.

8. Approved a resolution rejecting all bids received for the purchase of 2 - backhoes, 2 - 3 CY rubber tire loaders and 2 - motor graders and authorizing re-advertisement for bids for the Garage Division. (PURCHASING)

RESOLUTION NO. 2014-003

RESOLUTION REJECTING ALL BIDS RECEIVED FOR BID NO. 7248-14 FOR THE PURCHASE OF 2 BACKHOES, 2-3 CY RUBBER TIRE LOADERS, AND 2 MOTOR GRADERS; AND AUTHORIZING RE-ADVERTISEMENT FOR BIDS FOR THE GARAGE DIVISION

dufford want to give chance to respond precedent setting on behalf of city. Patrick mistake on allowing bids to go out. Try to specify equipment tha tlocal vendors can bid upon. If specify specifics can limit to one vendor. Wrote specs for John Deere and failed to tweak to where both local vendors could bid on equally. therefore one competitors had to bid higher they could of brought it earlier and brough up after bids opened. On all bid reserve right to reject bids. Done it in every City worked for. Feel right thing to do all public information available on buyboard. In this case fel tright to reject and start over. Love you are requesting bids rejected becasue bids were not generic enough. Eliminating an unfair advantage not creating one? patrick yes. J.Ross do you anticipate participation from all parties. Patrick hope so.

Council Member Dufford moved to adopt Resolution No. 2014-003; seconded by Council Member Love.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: None.

9. Approved a resolution approving the purchase of a single axle cab and chassis with pothole patcher body from Southwest International Trucks, Inc. through Buyboard contract #358-10 for a total cost of \$153,982.60. (PURCHASING)

RESOLUTION NO. 2014-004

RESOLUTION APPROVING THE PURCHASE OF A SINGLE AXLE CAB AND CHASSIS WITH POTHOLE PATCHER BODY FROM SOUTHWEST INTERNATIONAL TRUCKS, INC. THROUGH BUYBOARD AT A TOTAL COST OF \$153,982.60; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

Love is purchase replacement or new item? Gary replacement.

sparks how old is euqipment - 1996. gary replacmeent nad upgrade. Love what do equipment replacing salvage? gary sell at auction, funcitonal exceeded time with city.

Council Member Dufford moved to adopt Resolution No. 2014-004; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: None.

12. Approved a resolution authorizing the City Manager to negotiate, approve and execute the MOUTD Management Services Agreement with McDonald Transit Associates, Inc. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014-007

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE, APPROVE AND EXECUTE A CONTRACT BETWEEN THE MIDLAND-ODESSA URBAN TRANSIT DISTRICT AND MCDONALD TRANSIT ASSOCIATES, INCORPORATED, THE CITY OF ODESSA, AND THE CITY OF MIDLAND; THIS CONTRACT IS A MANAGEMENT CONTRACT FOR THE MOTORBUS TRANSPORTATION SYSTEM LOCATED IN MIDLAND COUNTY AND ECTOR COUNTY, TEXAS; AND RESCINDING RESOLUTION NUMBER 2013-426

Council Member Sparks moved to adopt Resolution No. 2014-007; seconded by Council Member Lacy.

J.ross need to see changes to contract before feel comfortable voting need input from city attorney on Midland stance. Approved back in November. Love don't need to see specific changes but would like to know what are.

Keith approved in Nov by council. changes discussed with City of Odessa and McDonald Transit. there is no contract. The resolution auth CM to neg, approve changes and execute a contract. You will not see new contract if reso approved because giving auth to CM. If want to see before approved need to amend to auth CM to neg and bring back to Council. One reason done to expedite is contract expired on December 31. sparks think ought to amend it is legal doc so ask that City Attorney neg and be brought back to Council for approval on the 28th. Council passed contract

Love how does Courtney feel about. Courtney whenever EZ rider originally set up Odessa took lead as far as Legal and Financial side and dependant upon Odessa to negotiate contract and terms. Changes besides typos they had added additional lang at requ of Mcdonald for insurance purposes. there is increase scale ofmgmt exp will be 1st year \$162,000 and change 5th year to \$180,000 some thousand. Doesn't commit to increase \$250,000 committment. Have CM listed as Manager. Big substance was additional of insurance language. Love not a lot of changes are we using a cannon to kill a faly. Dufford no problem with council taking a look before executed. Big thing is when voted for EZ Rider and committed \$250000 in 2002 on annual basis that haven't increased it. As longas keep it at \$250,000 ok with any changes. Sparks what I see here is propose d changes is exactly what was approved. This is exactly what approved and think should take look at change in rate schedule. Believe it needs to come back to council.

Dufford another option is to let council members that have issues work with CA to execute then and then don't bring back. Stretcher keep CM informed and expressed Council informed as to progress and how doing individually. Dufford can then have CA or CM execute? Stretcher could but have Council who want to see and come back on Jan 28 agenda.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: None.

13. Approved a resolution authorizing an amendment to the contract with Permian Basin Petroleum Museum not to exceed \$250,000 to promote tourism and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014-008

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE PERMIAN BASIN PETROLEUM MUSEUM IN AN AMOUNT NOT TO EXCEED \$250,000.00 FOR ADVERTISING, PROMOTION AND SOLICITATION OF OIL INDUSTRY ACTIVITIES IN THE CITY OF MIDLAND; AND TO PROMOTE TOURISM AND THE CONVENTION AND HOTEL INDUSTRY

Dufford pulled primarily because rep from Petroleum Museum who would like to speak about exciting things going about there and increase match.

Kathy Shannon 1611 W. Pecan. executive director. Undergoing \$18M renovation and completely redoing east and north wings. Top museum and top tourist atraction in Midland about 40,000 each year. Missing is massiv echange sin tech that have brought about what experiencing. Important part have wonderful facility for use for companies and organizjations to use as rental. Awful lot of people and highlight industry much better. With boom added expenditure \$12 M exhibit 6.5 M infrastructure.

JR how much raised kathy 15.6. when renov. kathy late march early spring. Morales industry use facility to bring training in. Kathy yes. Dufford not sure we do enough advertising for petroleum museum like tosee more billboards etween El paso and Dallas. Big deal when look at nation as whole and how many kids aren't intereste din science and mathmatics incumbent to make sure all kids have opportu to get excited about math and science. iathy addition of chaparell to get excited. With fmaily science

nights and summer classes very s and tech oriented. Dufford being crown jewel .

Council Member Sparks moved to adopt resolution and increase matching grant to up to \$500,00 ; seconded by .; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: None.

15. Approved a resolution authorizing a Right-of-Way Agreement and a Surface Damage Agreement with WTG Gas Processing, LP, for the installation and maintenance of one (1) pipeline, not to exceed twelve (12) inches in diameter, for petroleum and petroleum by-products, located in Block 39, Section 36, T-1-S, T&P RR Survey Co, Martin County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2014-010

RESOLUTION AUTHORIZING A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND WTG GAS PROCESSING; SAID RIGHT-OF-WAY LICENSE IS FOR ENTERING THE CITY OF MIDLAND'S RIGHT-OF-WAY FOR THE PURPOSE OF PLACING, INSTALLING, CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND REMOVING A POLY PIPELINE FOR PETROLEUM AND PETROLEUM BY PRODUCTS AND TO HAVE THE RIGHT OF INGRESS AND EGRESS AT CONVENIENT POINTS FOR SUCH PURPOSE; THE PROPERTY IS LOCATED WITHIN THE CITY OF MIDLAND RIGHT-OF-WAY, SECTION 36, BLOCK 39, T-1-N, T&P RR CO. SURVEY, MARTIN COUNTY, TEXAS; THE LICENSE TERM IS FOR FIVE (5) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE AND SHALL AUTOMATICALLY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL FIVE (5) YEAR TERM UPON 120 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

Sparks pulled Ortiz asked to because some changes to contract. Ortiz length of pipeline changed to 3/4 miles tka eopporutnity ot make needed revisions and bring back to council . request of WTG.

Council Member Dufford moved to defer to an indefinate time.; seconded by Council Member Love.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: None.

SECOND READINGS

21. Consider an ordinance on second reading on a request by Sam's Real Estate Business Trust for a zone change from PD, Planned District for a Shopping Center to an Amended Planned District on Lot 1A, Block 2, Westridge Park Addition, Section Three less 2.352-acres, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Tradewinds Boulevard and Westridge Boulevard.) (DEVELOPMENT SERVICES) (First reading held on December 17, 2013.)

ORDINANCE NO. 9215

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING

CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION THREE LESS 2.352 ACRES, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND WESTRIDGE BOULEVARD); 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 Adriana Moreno read the caption of Ordinance No. 9215.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9215 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Hotchkiss abstain voted at P & Z

The motion carried by the following vote: AYE: Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: Hotchkiss. ABSENT: None.

22. Consider an ordinance on second reading on a request by Sunrise at Fairgrounds, LLC for a zone change from PD, Planned District for a Shopping Center to an Amended Planned District on Lot 2, Block 84, East Midland Addition, Section 16, City and County of Midland, Texas. (Generally located on the west side of N. Fairgrounds Road, approximately 950 feet south of Golf Course Road.) (DEVELOPMENT SERVICES) (First reading held on December 17, 2013.)

ORDINANCE NO. 9216

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2, BLOCK 84, EAST MIDLAND ADDITION, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH FAIRGROUNDS ROAD, APPROXIMATELY 950 FEET 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 Adriana Moreno read the caption of Ordinance No. 9216.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9216 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: None.

23. Consider an ordinance on second reading on a request by Raquel Alvarado for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 4.896-acre tract of land out of Section 33, Block 39, T-1-S, T&P RR Co Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of South Midkiff Road and West Wall Street.) (DEVELOPMENT SERVICES) (First reading held on December 17, 2013.)

ORDINANCE NO. 9217

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4.896-ACRE TRACT OF LAND OUT OF SECTION 33, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH MIDKIFF ROAD AND WEST WALL STREET), WHICH IS PRESENTLY ZONED LR-3, LOCAL RETAIL DISTRICT, IN PART, AND C-3, COMMERCIAL DISTRICT, IN PART, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED 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 Adriana Moreno read the caption of Ordinance No. 9217.

Council Member Love moved to approve the second and final reading of Ordinance No. 9217 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Hotchkiss abstain.. J.Ross ord application says 112. ord says 62 ord 112 seating capacity. Harrington Patrick 62 was what was allowed previous now increasing to 112.

The motion carried by the following vote: AYE: Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: Hotchkiss. ABSENT: None.

PUBLIC HEARINGS

24. At approximately 10:30 A.M. hold a public hearing regarding a proposed oil and gas permit to HighSky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Ramcon No. 1201D) located 1,476 feet from south line and 1,784 feet from west line, Section 12, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the east side of State Highway 349, approximately 1,476 feet north of the east extension of Mockingbird Lane.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer gave a brief overview of the item noting app 1 of 4 on same site area. O&G rev app made rec to fix app. High sky part add rec. They are req waiver to road rep will not use city streets but state highway. 4 directional wells from

same site about 50 feet apart. Love since not using city street do get rrg with TX.

Mayor Morales opened the public hearing at 10:58 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

25. At approximately 10:33 A.M. hold a public hearing regarding a proposed oil and gas permit to HighSky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Cowden No. 1202D) located 1,476 feet from south line and 1,834 feet from west line, Section 12, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the east side of the State Highway 349, approximately 1,476 feet north of the east extension of Mockingbird Lane.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer gave a brief overview of the item noting exact same info as previous. Didn't add was dev and operator have worked out loc of flow lines with Daybreak Estates. Before come to Council want to hav edev and operator worked out how drill wells so dont' impede on eachother and have distance both comfortable with. this dev with his dev will have to ask for var to housing and have to work out flow lines street tnak bat. etc.

Mayor Morales opened the public hearing at 11:00 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

26. At approximately 10:36 A.M. hold a public hearing regarding a proposed oil and gas permit to HighSky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Cowden No. 1203D) located 1,476 feet from south line and 1,884 feet from west line, Section 12, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the east side of the State Highway 349, approximately 1,476 feet north of the east extension of Mockingbird Lane.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting same info as other swell nothing different.

Mayor Morales opened the public hearing at 11:00 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

27. At approximately 10:39 A.M. hold a public hearing regarding a proposed oil and gas permit to HighSky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Ramcon No. 1204D) located 1,476 feet from south line and 1,934 feet from west line, Section 12, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the east side of the State Highway 349, approximately 1,476 feet north of the east extension of Mockingbird Lane.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer gave a brief overview of the item noting same information.

Mayor Morales opened the public hearing at 11:01 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

28. At approximately 10:42 A.M. hold a public hearing and consider an ordinance on a

request by Stanley Beard/ Corky Allen for a zone change from AE, Agriculture Estate District to PD, Planned District for a Housing Development on a 21.85-acre tract of land out of Section 11, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of North State Highway 349, west of Pueblo.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9218

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 21.85-ACRE TRACT OF LAND OUT OF SECTION 11, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH STATE HIGHWAY 349, WEST OF PUEBLO); 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

Development Services Director Charles Harrington gave a brief overview of the item noting request made by Mr. Beard on behalf of applicant to rezone property from AE to do development of PD with underlying zoning 1F3 to allow them to have smaller lots. This is similar to development that has already been done Los Patios. similar dev had front yards reduced to 5 feet more neighborhood type feel and residents can have more feel of being in neighborhood and larger total depths of lots. Intend to dev similarly and will have alleys as part of development. continuation.

J.Ross average square footage? Harrington significantly larger then looking at other 3,000 to 3,500 dufford this subdivison and 1F3 is different than council approved in past. In past stipulated that living space had to be min of 2300 square feet. 1F3 min is 50 minwidth and 5500 sq feet min lot size.

Mayor Morales opened the public hearing at 11:05 a.m.

John Newton eng on project newton eng 4908 n midkiff. Address questions these homes are 90 by 65 foot lots min 5000 square foot lots. min building area agreed is 2300 square feet. there is common are along Big Spring as buffer for Big Spring with drainage easement aligned with pines that buffereing sub from SH 349. Very nice entrance and masonry fence along east boundary line as well as pines. 20 foot area. 6 foot fence with columns. split face CMU of natural earth tones. Dufford similar to other Mira Vista subdivision to the south. Newton yes similar. Dufford tell about type of home constructed in there.

corky Allen 5001 Mira Vista Circle, vision is Mira Vista style house with smaller lot last year very water conscous but pretty landscape. Midland suffereing for nicer homes and that is goal. Dufford comfortable of 2300 foot. typical is 3,000 plus now. Have some bigger lots will offer to accomodate those requests for larger lots. Both single and two story homes. Real demand.

There being no one else wishing to speak, the public hearing was closed at 11:10 a.m.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9218.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9218 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: None.

29. At approximately 10:45 A.M. hold a public hearing and consider an ordinance on a request by Pulman, Cappuccio, Puller, Benson & Jones, LLP for a zone change from O-1, Office District to PD, Planned District for a Office Center on Lots 2 and 3, Block 1, The Vineyard Addition, Section 3, City and County of Midland, Texas. (Generally located on the west side of Holiday Hill Road, approximately 800 feet north of Sherwood Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9219

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 2 AND 3, BLOCK 1, THE VINEYARD ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED O-1, OFFICE DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED ON THE WEST SIDE OF HOLIDAY HILL ROAD, APPROXIMATELY 800 FEET NORTH OF SHERWOOD 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

Development Services Director Charles Harrington gave a brief overview of the item noting applicant wanting to rezone lots for more height and protect adjoining properties to east. Proposing allow some restrictions in O2 but restrict height to cut to max is 60 feet and remainder at 45 feet. intent put in 3story office structur. P&Z passed unanimously.

Dufford with setback 60 feet not encroaching in anyone's yard.

Mayor Morales opened the public hearing at 11:13 a.m.

Buck vinson 6101 Holiday hill rd aplicant started origianl office development due to quite a bit of demand for office will build 3 story on far end of property.

There being no one present wishing to speak, the public hearing was closed at 11:14 a.m.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9219.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9219 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: None.

30. At approximately 10:48 A.M. hold a public hearing and consider an ordinance on a request by Jeff Benson for a zone change from PD, Planned District for a Shopping Center to Amended Planned District, on Lot 1A, Block 2, Gateway Plaza, Section 3, City and County of Midland, Texas. (Generally located near the southeast corner of the intersection of Liberty Drive and Starboard Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9220

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 2, GATEWAY PLAZA, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF LIBERTY DRIVE AND STARBOARD 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

Development Services Director Charles Harrington gave a brief overview of the item noting request next to Synergy changed PD to construct storage building most concession items. They keep same appearance and lower height. Reviewed by P&Z and unanimous approval and staff concur. Love connected or free standing?

Mayor Morales opened the public hearing at 11:17 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9220.

Council Member Love moved approval of the first of two readings of Ordinance No. 9220 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

The motion carried by the following vote: AYE: Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: Hotchkiss. ABSENT: None.

hotchkiss abstain.

31. At approximately 10:51 A.M. hold a public hearing and consider a resolution on a request by Arcelia Renteria for an extension for a Special Temporary Land Use Permit for a Manufactured Home on Lot 9, Block 1, Holloway, City and County of Midland, Texas. (Generally located on the east side of Terrell Street, approximately 150 feet south of Cuthbert Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014-017

RESOLUTION AUTHORIZING A TEMPORARY SPECIAL PERMIT FOR A

MANUFACTURED HOME ON LOT 9, BLOCK 1, HOLLOWAY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF TERRELL STREET, APPROXIMATELY 150 FEET SOUTH OF CUTHBERT AVENUE)

Development Services Director Charles Harrington gave a brief overview of the item noting request allowed under Special TUP under special circumstances. This applicant is asking for another addition of 2 years. been here 2005, 7, 9, 11 ask continuation for hardhsip. Included in packet in Doctors prescription showing need for cont service. no l of opposition p7z rec approval staff concurred.

Mayor Morales opened the public hearing at 11:20 a.m.

1114 East Walnut leg amputated . Morales does state regulate

There being no one present wishing to speak, the public hearing was closed at 11:21 a.m.

Council Member Love moved to adopt Resolution No. 2014-017; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: None.

MISCELLANEOUS

32. Consider an ordinance on a request by Kevin Leary & Borgata Partners, LLC for the vacation of a 0.126-acre portion of the right-of-way of Holiday Hill Road adjacent to Lot 1, Block 2, Grandridge Park Addition, Section 1, City and County of Midland, Texas. (Generally located on the west side of the intersection of Holiday Hill Road and North Loop 250 West.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9221

AN ORDINANCE VACATING AND ABANDONING A 0.126-ACRE PORTION OF HOLIDAY HILL ROAD RIGHT-OF-WAY ADJACENT TO LOT 1, BLOCK 2, GRANDRIDGE PARK ADDITION, SECTION 1, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF HOLIDAY HILL ROAD AND NORTH LOOP 250 WEST); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$8,235.00; RETAINING A GENERAL PUBLIC UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Development Service3s Director harrington portion of ROW street relocated as to how approach Loop 250left excess of ROW ask to vacate for additional parking back in October as far as PD. run by ENg no problem with abandoning ROW.

Love what do they plan on doing. harrington understand starbucks need more room for parking to accomodate drive through. Hotchkiss. Starbucks now traffic goes out into roads and causes problem how iwll this be better. andrew Meelon 1909 W ????? reason want vacation isf or exact reason. provide extra lane for individual to park for queuing to help not block off traffic at that intersection. help situation. construction will begin as soon as get permit.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9221.

Council Member Love moved approval of the first of two readings of Ordinance No. 9221 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: None.

33. Consider amending Ordinance 9214, Title III, "Departments", Chapter 1, "Water Department" Section 2 "Rates", Subsection (A) "Customers Inside of City Limits", of the City Code of Midland, Texas and ordering publication. (UTILITIES)

ORDINANCE NO. 9222

AN ORDINANCE AMENDING TITLE III, "DEPARTMENTS", CHAPTER 1, "WATER DEPARTMENT", SECTION 2, "RATES," OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO CHANGE 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; AND RESCINDING ORDINANCE NUMBER 9214 ON THE DATE THIS ORDINANCE BECOMES EFFECTIVE

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9222.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9222 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

sparks need second reading. Know sometimes get peopel complaining about water rates. Didn't just change water rates and this doesn't chane anything for this year. courtney as stated in briefing to address AG concern on deficit of 2016 so will go into affect october 2015 to address changes. sparks last change for several years? courtney good discussion not sure.

sparks really been brought on by addition of more water at Clear Water Ranch.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: None.

34. Approved a motion making appointments to the Planning and Zoning Commission, Midland Development Corporation, and the Tax Increment and Reinvestment Zone Board, and appointing a Chair to the Tax Increment and Reinvestment Zone Board.

Dufford appoint MDC Brent Hilliard / Lacy replacing Laura Roman courtney TIRZ by laws requires this boyd apoint chair. John Kennedy is wiling to take. 6-0

Lacy/Love appoint Kennedy to chair TIRZ. 6-0

P&Z chairman moving another board member resigned personal reason hotchkiss off

board. Did have alternates and alternates will move up to P&Z board so lacy/love
jsohua sparks alternates to P&Z 5-0-1 sparks

Hotchkiss/Gaten/Lanning removed from P&Z

Love/Hotchkiss Becky Ferguson move up Chase Gardaphe P&Z, 6-0

Love/Lacy sparks to P&Z 5-0-1 Sparks

Discussion about Becky Ferguson as Chair to P&Z sparks recommend Robert Randal
as chair of MDC.

EXECUTIVE SESSION

adj to executive 11:44 a.m.

35. 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 551.072 Deliberation Regarding Real Property.

- a.1. Discuss the sale, lease and value of approximately 396 acres of real property located in Sections 14 and 15, Block 39, T-1-S, Midland, Midland County, Texas.

All of the business at hand having been completed, the meeting adjourned at _____.m.

PASSED AND APPROVED the ____ day of _____, ____.

W. Wesley Perry, Mayor

ATTEST:

Amy M. Turner, City Secretary