MIDLAND CITY COUNCIL
MINUTES
February 14, 2012

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 8:45 a.m. on February 14, 2012.

Council Members present: Mayor W. Wesley Perry, Mayor Pro Tem Jerry Morales (At-Large), Council Member Jeff Sparks (District 1), Council Member Vicky Hailey (District 2), and Council Member John James (District 3),

Council Members absent: Council Member Scott Dufford (At-Large), Council Member Michael Trost (District 4) (Trost arrived at 8:55 a.m.)

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, Development Services Director Rick Crownover, General Services Director Robert Patrick, Planning Division Manager Cameron Walker, Building Official Steve Thorpe, City Engineer David Beard, Public Information Officer Tasa Watts, and Oil & Gas Compliance Officer Ron Jenkins.

3. Receive a presentation from Utility Service Partners, Inc. concerning the National League of Cities-Service Line Warranty Program.

   General Services Director Patrick introduced Blake Stogner of Utility Service Partners, Inc. Mr. Stogner presented a video to the City Council about an insurance opportunity for the residents of Midland for lateral water and sewer lines. He explained that many homeowners are unaware that they are responsible for the maintenance and repair of the lateral lines up to the point where it ties into the city infrastructure. He explained how the program operates, the cost, and answered questions. He noted they would like to use the City's logo for marketing purposes because more people sign up when the City is their partner and it helps to keep the cost low.

   Following discussion, Council consensus was to move forward with the program. City Manager Sharp noted he would bring forward a resolution for Council approval at a future Council meeting.

   Discussion ensued regarding how the 12% premiums that are returned to the City should be allocated. It was determined that staff will bring the item to Council for a decision when the revenues are received.

2. Receive an update from Craig Farmer, Project Consultant of MOTOR MPO, regarding the State Highway 191 Corridor and Access Management Study.

   Craig Farmer of Freese & Nichols reviewed a PowerPoint presentation regarding the State Highway 191 Corridor and Access Management Study.

   He explained the changes to the plan that would affect the interchanges and backage roads and showed how Wadley would tie into road "e". He recommended that the plans be finalized as quickly as possible and an interim thoroughfare plan be adopted so that as new development comes in, the City could require right-of-ways as needed. He expected the thoroughfare plan to be ready in about a month.

1. Receive an update from Alonda Massey of EZ-Rider regarding the status of their projects and operations.

   City Manager Sharp reported that Ms. Massey called to inform the City that she would be unavailable.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:45 a.m.

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:01 a.m., February 14, 2012.

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 Vicky Hailey (District 2), and Council Member John James (District 3), 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 Regular Session Agenda Items were heard in the following order: 1, 2, 3, 4, 5, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 6, 10, 19, 20, 21, 25, 26, 27, 30, 31, 32, 33, 34, 35, 36, 37, 38, 47, 39, 40, 41, 42, 43, 44, 45, 46, 28, 29, 48.

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. Presentation of a Proclamation for Midland Saves Week.

      Mayor Perry presented the proclamation to representative from Midland Saves Week and organization that encourages everyone to save a portion of each paycheck.

   b. Presentation of a Retiree Commendation to retiring City employee Wilma Lanell Miller from the City Secretary's Office.

      Mayor Perry and City Manager Sharp presented a retirement proclamation to Lyn Miller.

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.

   There were no requests by citizens to speak.

CONSENT AGENDA

Council Member Morales moved to approve Consent Agenda items 5 - 26 excluding 6, 10, 19, 20, 21, 25; seconded by Council Member Hailey. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

Council Member James moved to reconsider approval of Consent Agenda items 5 - 26 excluding 6, 10, 19, 20, 21, 25; seconded by Council member Morales. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

Council Member James moved to approved Consent Agenda Items 5-26 excluding 6, 10, 19, 20, 21, 25, and 26; seconded by Council Member Morales. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

5. Approved a motion approving the following minutes:

   a. Regular Minutes of January 24, 2012.

7. Approved a resolution authorizing the City Manager and the City Attorney to negotiate and execute a professional services agreement with Brinkley Sargent to perform architectural and engineering services for providing design, plans, specifications and architectural services for the construction of a new Municipal Court. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 017

RESOLUTION AUTHORIZING THE NEGOTIATION OF A PROFESSIONAL SERVICES AGREEMENT WITH BRINKLEY SARGENT ARCHITECTS, INCORPORATED, FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR THE CONSTRUCTION OF A NEW MUNICIPAL COURT BUILDING

8. Approved a resolution authorizing the City Manager and the City Attorney to negotiate and execute a professional services agreement with Rhotenberry-Wellen to perform architectural and engineering services for providing design, plans, specifications and architectural services for the Midland Center renovation project. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 018

RESOLUTION AUTHORIZING THE NEGOTIATION OF A PROFESSIONAL SERVICES AGREEMENT WITH RHOTENBERRY WELLEN ARCHITECTS AND PLANNERS, INCORPORATED, FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR RENOVATION AND REPAIR TO THE MIDLAND CENTER

9. Approved a resolution approving an agreement with Grande Communications for internet service provider services for the Communications and Information Systems Department. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 019

RESOLUTION AUTHORIZING THE EXECUTION OF A THREE-YEAR CONTRACT FOR INTERNET AND NETWORK SERVICES FROM GRANDE COMMUNICATIONS, L.L.C., AT A TOTAL COST OF $68,400.00

11. Approved a resolution approving the purchase of a Hamm double drum asphalt roller through HGAC from Kirby-Smith Machinery, Inc. for the Garage Division. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 021

RESOLUTION APPROVING THE PURCHASE OF A HAMM DOUBLE DRUM ASPHALT ROLLER THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (HGAC) AT A TOTAL COST OF $88,502.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

12. Approved a resolution approving an RFP for Audio and Video equipment for City Hall Council Chamber for CISD. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 022

RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE REPLACEMENT OF AUDIO AND VIDEO EQUIPMENT FOR THE CITY OF MIDLAND COUNCIL CHAMBER

13. Approved a resolution authorizing an agreement between the Midland Development Corporation (MDC) and Permian Basin Public Telecommunications, Inc. (Basin PBS) (CITY ATTORNEY)

RESOLUTION NO. 2012 - 023

RESOLUTION APPROVING A PROMOTIONAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND PERMIAN BASIN PUBLIC TELECOMMUNICATIONS, INC. TO ADVERTISE OR PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES

14. Approved a resolution approving the purchase of two Jacobsen Greens King IV greens

mowers through HGAC from C & M Air Cooled Engine, Inc. of Waco, Texas for the Garage Division. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 024

RESOLUTION APPROVING THE PURCHASE OF TWO (2) JACOBSEN GREENS KING IV GREENS MOWERS AND TWO (2) REELS FOR SAID MOWERS THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (HGAC) AT A TOTAL COST OF $59,028.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

15. Approved a resolution approving the purchase of a 130 EZ Go golf carts ($510,250) less the buyback of 130 Club Car golf carts ($178,750) through HGAC from C & M Air Cooled Engine, Inc. of Waco, Texas for the Garage Division. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 025

RESOLUTION APPROVING THE PURCHASE OF ONE HUNDRED THIRTY (130) E-Z-GO GOLF CARTS, AND THE TRADE-IN OF ONE HUNDRED THIRTY (130) CLUB CAR GOLF CARTS THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (HGAC) AT A TOTAL COST OF $331,500.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

16. Approved a resolution authorizing the execution of a Land Lease Agreement for Airport Hangar Facility between Absolute Investments, Inc. and the City of Midland, Texas in Lot 4B, Block 11, (Lease Tract 4) Midland International Airport, Industrial Park Addition, Section 6, Midland County, Texas. (AIRPORT)

RESOLUTION NO. 2012 - 026

RESOLUTION AUTHORIZING THE EXECUTION OF A LAND LEASE AGREEMENT WITH ABSOLUTE INVESTMENTS, INC. FOR HANGAR DEVELOPMENT LOCATED ON A 0.21 ACRE TRACT OF LAND LOCATED IN LOT 4B, BLOCK 11, MIDLAND INTERNATIONAL AIRPORT, INDUSTRIAL PARK ADDITION, SECTION 6, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

17. Approved a resolution authorizing the execution of a license agreement with the SBC Corporation for a landscaping project located at the intersection of Deauville Road and the Loop 250 Frontage Road at the entrance to the Scharbauer Sports Complex. (COMMUNITY SERVICES)

RESOLUTION NO. 2012 - 027

RESOLUTION AUTHORIZING THE EXECUTION OF A LANDSCAPING AGREEMENT BETWEEN THE CITY OF MIDLAND AND SBC, LP; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF LANDSCAPING AGREEMENT BETWEEN THE PARTIES; AND ORDERING RECORDATION OF SAID MEMORANDUM

18. Approved a resolution authorizing the execution of a Land Lease Agreement for Airport Hangar Facility between Absolute Investments, Inc. and the City of Midland, Texas in Lot 4B, Block 11 (Lease Tract 6) Midland International Airport, Industrial Park Addition, Section 6, Midland County, Texas. (AIRPORT)

RESOLUTION NO. 2012 - 028

RESOLUTION AUTHORIZING THE EXECUTION OF A LAND LEASE AGREEMENT WITH ABSOLUTE INVESTMENTS, INC. FOR HANGAR DEVELOPMENT LOCATED ON A 0.21 ACRE TRACT OF LAND LOCATED IN LOT 4B, BLOCK 11, MIDLAND INTERNATIONAL AIRPORT, INDUSTRIAL PARK ADDITION, SECTION 6, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

22. Approved a resolution appropriating interest earned on the Fiscal Year 2009 ARRA Justice Assistance Grant funds. (POLICE)

RESOLUTION NO. 2012 - 032

RESOLUTION APPROPRIATING INTEREST EARNED IN THE AMOUNT OF $16.00 ON THE FY2009 JUSTICE ASSISTANCE GRANT FUNDS; THE GRANT AWARD PLUS INTEREST MUST BE EXPENDED OR RETURNED TO THE FEDERAL GOVERNMENT AS A REQUIREMENT OF THE GRANT

23. Approved a resolution approving of a contract with the Downtown Midland Management District and appropriating $50,000 of hotel/motel money for purpose of granting funds for downtown events. (CITY MANAGER)

RESOLUTION NO. 2012 - 033

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE DOWNTOWN MIDLAND MANAGEMENT DISTRICT TO PROMOTE TOURISM AND THE CONVENTION AND HOTEL INDUSTRY IN DOWNTOWN MIDLAND; CITY TO AWARD THE SUM OF $50,000.00 FROM HOTEL/MOTEL FUNDS

24. Approved a resolution to apply for grant money from the Permian Basin Regional Planning Commission for Solid Waste Management Projects and appropriating funds. (SOLID WASTE)

RESOLUTION NO. 2012 - 034

RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE PERMIAN BASIN REGIONAL PLANNING COMMISSION FOR A SOLID WASTE MANAGEMENT PROGRAM GRANT, AND AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY IN MATTERS RELATED TO SAID APPLICATION

The following items were pulled from consent calendar and considered individually.

6. Consider a resolution authorizing the City Manager and the City Attorney to negotiate the purchase of 405 North Loraine Street, Midland, Texas for the construction of a new Municipal Court building. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 016

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE TERMS FOR THE PURCHASE OF THE BANK OF AMERICA PROPERTY LOCATED AT 405 NORTH LORAINE STREET, MIDLAND, TEXAS

Council Member Sparks cautioned Mr. Sharp and Mr. Stretcher that when they are at the negotiating table to remember that this was the first choice but it was not the only choice and if the price is not right Council is likely to not approve the item and will consider other properties.

Council Member Hailey moved to adopt Resolution No. 2012 - 016; seconded by Council Member Morales. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

Council Member James moved to amend the motion by including City Attorney; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

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

10. Consider a resolution authorizing the City Manager and the City Attorney to negotiate and execute a professional services agreement with Parkhill, Smith and Cooper to perform architectural and engineering services for providing design, plans, specifications and architectural services for the construction of Fire Station 10. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 020

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A THREE-YEAR PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INCORPORATED, FOR ARCHITECTURAL SERVICES FOR THE CONSTRUCTION OF FIRE STATION # 10; AND THERE WAS NO REQUEST FOR QUALIFICATIONS ADVERTISED FOR SAID PROJECT; AND ACCEPTING THE CITY MANAGER'S RECOMMENDATIONS THAT A PROFESSIONAL SERVICES AGREEMENT WHICH WAS PREVIOUSLY APPROVED BY RESOLUTION NO. 98-164 AND EXECUTED WITH PARKHILL, SMITH & COOPER, INCORPORATED, HAS NOT EXPIRED DUE TO NON-PERFORMANCE OR THE PASSAGE OF TIME, AND THAT CIRCUMSTANCES HAVE NOT PERMITTED THE COMPLETION OF FIRE STATION #10 UNTIL NOW, THUS ELIMINATING THE NEED TO ADVERTISE A NEW REQUEST FOR QUALIFICATIONS FOR ARCHITECTURAL SERVICES FOR THE CONSTRUCTION OF FIRE STATION # 10

Discussion ensued as to what the project scope was. It was clarified that this was only for the fire station.

Council Member Sparks moved to adopt Resolution No. 2012-020; seconded by Council Member Morales. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

19. Consider a resolution authorizing an application submitted by Midland Mesquite Terrace Apartments, L.P. for HOME Investment Partnership Program funds from the Texas Department of Housing and Community Affairs. (COMMUNITY DEVELOPMENT)

RESOLUTION NO. 2012 - 029

RESOLUTION AUTHORIZING AN APPLICATION SUBMITTED BY MIDLAND MESQUITE TERRACE APARTMENTS, L.P, FOR HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS TO HELP WITH THE COST ASSOCIATED WITH THE CONSTRUCTION OF AFFORDABLE LOW INCOME HOUSING TAX CREDIT PROPOSAL

Council Member James noted he was speaking to items 19, 20 and 21 noting their urgency because of the application deadline and also because of the need for senior and workforce housing. He expressed concern over not having an alternative option if the funding was not received and suggested an amendment be made to allow the City Manager the ability to take advantage of affordable housing funds where applicable in the event the HOME Investment Partnership funds are no longer available.

Mr. Diaz, Mr. Fields and Mr. Grainger all spoke to the Council about their projects. They each suggested that the Council support all three projects and that the Council leave it open for them to return for funding if the tax credits do not come through.

Mr. Fields briefly explained why the right of way needed to be changed on his project to meet the application deadline showing that all land was under contract.

Council Member Morales moved to adopt Resolution No. 2012-029; seconded by Council Member Hailey. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

20. Consider a resolution authorizing an application submitted by TCDP Brownstones Midland, L.P. for HOME Investment Partnership Program funds from the Texas Department of Housing and Community Affairs. (COMMUNITY DEVELOPMENT)

RESOLUTION NO. 2012 - 030

RESOLUTION SUPPORTING AN APPLICATION SUBMITTED BY TCDP BROWNSTONES MIDLAND L.P, FOR HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS TO HELP WITH THE COST ASSOCIATED WITH THE CONSTRUCTION OF AFFORDABLE LOW INCOME HOUSING TAX CREDIT PROPOSAL

Council Member Morales moved to adopt Resolution No. 2012-030; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

21. Consider a resolution authorizing an application submitted by Midland-Charger Properties L.P. for HOME Investment Partnership Program funds from the Texas Department of Housing and Community Affairs. (COMMUNITY DEVELOPMENT)

RESOLUTION NO. NUMBER 2012-031

RESOLUTION AUTHORIZING AN APPLICATION SUBMITTED BY MIDLAND-CHARGER PROPERTIES L.P., FOR HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS TO HELP WITH THE COST ASSOCIATED WITH THE CONSTRUCTION OF AFFORDABLE LOW INCOME HOUSING TAX CREDIT PROPOSAL

Council Member Sparks moved to adopt Resolution No. 2012-031; seconded by Council Member Hailey. The motion carried by the following vote: AYE: Morales, Trost, Hailey,

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

25. Consider a resolution authorizing the City Manager to negotiate and execute a Task Order with Arcadis U.S., Inc. and appropriate funds. (UTILITIES)

RESOLUTION NO. 2012 - 035

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT TASK ORDER WITH ARCADIS, U.S., INCORPORATED, FOR RESEARCH AT THE T-BAR RANCH WELL FIELD, AT A COST OF $50,000.00

Discussion ensued as to what the project would include. It was clarified that the project was not expected to cost $50,000.

Council Member Trost moved to adopt Resolution No. 2012-035; seconded by Council Member Hailey. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

26. Consider a resolution on a request by Kolt Development to vacate and abandon a twenty (20) foot wide portion of alley right-of-way in Block 110, Original Town Addition within the City of Midland. (TRANSPORTATION)

RESOLUTION NO. 2012 - 036

RESOLUTION CONDITIONALLY AGREEING TO VACATE AND ABANDON A TWENTY (20) FOOT WIDE PORTION OF ALLEY RIGHT-OF-WAY LOCATED BETWEEN LOTS 1-6 ON THE EAST SIDE AND LOTS 7-9, 10, 11(S/2), 11(N/2) AND 12 ON THE WEST SIDE, ALL IN BLOCK 110, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED BETWEEN MARIENFELD STREET AND PECOS STREET FROM WASHINGTON AVENUE TO KENTUCKY AVENUE); PROVIDING THAT VACATION AND ABANDONMENT OF SAID ALLEY SHALL BE CONTINGENT UPON THE DEVELOPER MEETING CERTAIN CONDITIONS; AND PROVIDING THAT VACATION AND ABANDONMENT OF SAID ALLEY SHALL NOT BE EFFECTIVE UNTIL APPROVED BY ORDINANCE

Council Member James moved to adopt Resolution No. 2012-036; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Morales, Trost, Perry, James, Sparks. NAY: Hailey. ABSTAIN: None. ABSENT: Dufford.

SECOND READINGS

27. Consider an ordinance on second reading on a request by Landgraf, Crutcher and Associates for a Site Plan Review on a 8.00-acre tract of land out of Section 2, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland Texas. (PLANNING)

ORDINANCE NO. 8976

ORDINANCE ADOPTING A SITE PLAN FOR AN 8.00-ACRE TRACT OF LAND OUT OF SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NEAR THE NORTHEAST CORNER OF THE INTERSECTION OF EAST INTERSTATE HIGHWAY 20 AND TERRELL STREET); SUBJECT TO THE FOLLOWING CONDITIONS AND RESTRICTIONS; 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. 8976.

Council Member Hailey moved to approve the second and final reading of Ordinance No. 8976 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

28. Consider an ordinance on second reading on a request by Habitat for Humanity to vacate a 10-foot by 150-foot (1500 square feet) portion South Adams Street right-of-way. (PLANNING)

ORDINANCE NO. 8977

AN ORDINANCE VACATING AND ABANDONING A 1,500 SQUARE FOOT PORTION OF ADAMS STREET RIGHT-OF-WAY ADJACENT TO LOTS 4-6, BLOCK 40, MOODY

ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF KENTUCKY AVENUE AND ADAMS STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $150.00; WAIVING THE FEE FOR THE COST OF THE RIGHT-OF-WAY; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Reyes read the caption of Ordinance No. 8977.

Council Member Hailey moved to approve the second and final reading of Ordinance No. 8977 in accordance with the Charter of the City of Midland; seconded by Council Member Morales. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford, James.

29. Consider an ordinance on second reading on a request by Habitat for Humanity to vacate a 10-foot by 150-foot (1500 square feet) portion of Jefferson Street right-of-way. (PLANNING)

ORDINANCE NO. 8978

AN ORDINANCE VACATING AND ABANDONING A 1,500 SQUARE FOOT PORTION OF JEFFERSON STREET RIGHT-OF-WAY ADJACENT TO LOTS 4A, 5A AND 5B, BLOCK 193, SOUTHERN ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF JEFFERSON STREET AND DAKOTA AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $150.00; WAIVING THE FEE FOR THE COST OF THE RIGHT-OF-WAY; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Reyes read the caption of Ordinance No. 8978.

Council Member Hailey moved to approve the second and final reading of Ordinance No. 8978 in accordance with the Charter of the City of Midland; seconded by Council Member Morales. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford, James.

PUBLIC HEARINGS

30. At approximately 10:30 a.m. hold a public hearing and consider an ordinance on a request by Western International for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District on a 4.16-acre tract of land out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of N. Loop 250 and Deauville.) (PLANNING)

ORDINANCE NO. 8980

ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 4.18-ACRE TRACT OF LAND (BEING 6.68 ACRES INCLUSIVE OF ADJACENT RIGHTS-OF-WAY) OUT OF SECTION 37, BLOCK 40, 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 A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF DEAUVILLE BOULEVARD AND LOOP 250); 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 Walker gave an overview of the item noting no letters of opposition had been received.

Mayor Perry opened the public hearing at 11:04 a.m.

Larry Bell of Parkhill, Smith, and Cooper, spoke in favor of the project.

There being no one else wishing to speak, the public hearing was closed at 11:05 a.m.

Deputy City Secretary Reyes read the caption of Ordinance No. 8980.

Council Member Hailey moved approval of the first of two readings of Ordinance No. 8980 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

31. At approximately 10:33 a.m. hold a public hearing and consider an ordinance on a request by Daniel Dirlam for a zone change from LR-2, Local Retail District to C-3, Commercial District on Lot 12A, Block 1, Jesse Anne Village, Section 5, City and County of Midland, Texas. (Generally located at the east side of South Midland Drive, approximately 550 feet north of West Wall Street.) (PLANNING)

ORDINANCE NO. 8981

ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 12A, BLOCK 1, JESSE ANNE VILLAGE, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A C-3, COMMERCIAL DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH MIDLAND DRIVE, APPROXIMATELY 550 FEET NORTH OF WEST WALL STREET); 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 Walker gave an overview of the item noting no letters of objection had been received.

Mayor Perry opened the public hearing at 11:09 a.m.

Daniel Dirlam, 5000 S. Midland Drive, noted he had borrowed no money to fund the project but was selling 10-13 single family homes to raise the money. He also noted that they will be donating money to the American Red Cross.

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

Deputy City Secretary Turner read the caption of Ordinance No. 8981.

Council Member Hailey moved approval of the first of two readings of Ordinance No. 8981 in accordance with the Charter of the City of Midland; seconded by Council Member Morales. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

32. At approximately 10:36 a.m. hold a public hearing and consider an ordinance on a request by Jeffrey Benson for a zone change from LR-3, Local Retail District to PD, Planned District for a Shopping Center on Lots 1 through 4, Block 2, Gateway Plaza, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Business I-20 and Liberty Drive.) (PLANNING)

ORDINANCE NO. 8982

ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1-4, BLOCK 2, GATEWAY PLAZA, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-3, LOCAL RETAIL DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF BUSINESS INTERSTATE 20 AND LIBERTY 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 Walker gave an overview of the item noting that no letters of objection had been received.

Mayor Perry opened the public hearing at 11:16 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Reyes read the caption of Ordinance No. 8982.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 8982 in accordance with the Charter of the City of Midland; seconded by Council Member Hailey. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

33. At approximately 10:39 a.m. hold a public hearing and consider an ordinance on a request by City of Midland - FM 1788 a City-initiated proposal for a zone change from FD, Future Development District to IP-2, Industrial Park District on a 156.88-acre tract of land out of Section 6, 7 and 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the east side of South Farm to Market 1788 north of West Business I-20.) (PLANNING)

ORDINANCE NO. 8983

ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 156.88-ACRE TRACT OF LAND OUT OF SECTIONS 6, 7 AND 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS AN IP-2, INDUSTRIAL PARK DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF FARM-TO-MARKET ROAD 1788, NORTH OF BUSINESS INTERSTATE 20); 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 Walker gave an overview of the item noting that one letter of opposition had been received.

Mayor Perry opened the public hearing at 11:20 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Reyes read the caption of Ordinance No. 8983.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 8983 in accordance with the Charter of the City of Midland; seconded by Council Member Hailey. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

34. At approximately 10:42 a.m. hold a public hearing and consider an ordinance on a request by C. Hollis Construction for a Special Exception to the Zoning Code concerning the side yard setback requirements for a garage on Lots 1 and 2, Block 108, West End Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Holloway Avenue and South "K" Street.) (PLANNING)

ORDINANCE NO. 8984

ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 1 AND 2, BLOCK 108, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF HOLLOWAY AVENUE AND SOUTH “K” STREET), BY PERMITTING AN ENCROACHMENT INTO THE REQUIRED SIDE YARD SETBACK FOR CONSTRUCTION OF A GARAGE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Planning Division Manager Walker gave an overview of the item noting no letters of objection had been received.

Mayor Perry opened the public hearing at 11:23 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Reyes read the caption of Ordinance No. 8984.

Council Member Hailey moved approval of the first of two readings of Ordinance No. 8984 in accordance with the Charter of the City of Midland; seconded by Council Member James. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

35. At approximately 10:45 a.m. hold a public hearing and consider an ordinance on a request by Nikki Gatlin for a Specific Use Permit with Term for a Day Care Center on 10,950 square feet out of Lot 1A, Block 4, Alamo Heights, Section 2, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of North Midland Drive and Crockett Avenue.) (PLANNING)

ORDINANCE NO. 8985

ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1A, BLOCK 4, ALAMO HEIGHTS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHWEST CORNER OF MIDLAND DRIVE AND CROCKETT AVENUE), WHICH IS PRESENTLY ZONED MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A DAY CARE CENTER; 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

Planning Division Manager Walker gave an overview of the item noting no letters of opposition had been received and that the Planning & Zoning Commission unanimously recommended approval.

Mayor Perry opened the public hearing at 11:25 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Reyes read the caption of Ordinance No. 8985.

Council Member Morales moved approval of the first of two readings of Ordinance No. 8985 in accordance with the Charter of the City of Midland; seconded by Council Member Hailey. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

36. At approximately 10:48 a.m. hold a public hearing on a request by Callon Petroleum Operating Company (Pecan Acres 23A No. 1) for a Permit to Drill an Oil and Gas Well inside the City Limits on 467' FEL and 1,958' FNL, located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Golden Gate Drive, approximately ¾ mile north of Briarwood Avenue.) This is an opportunity for the Council to receive public comment. Council may consider this permit following a 30-day public comment period at a regularly scheduled meeting. (PLANNING)

Oil & Gas Compliance Officer Ron Jenkins gave an overview of the item noting it went before the Oil & Gas Advisory Committee and received approval with the recommendation that steal coated tanks be used instead of fiberglass tanks and that the landscaping not be deferred for longer than two years.

Mayor Perry opened the public hearing at 11:29 a.m.

Jimmy Wright, 5212 Mathis Street, noted he was the land manager for Callon Petroleum and was available to answer any questions. When asked what the furthest distance was that wells could be directionally drilled he responded that in theory they can go no more than 1,000 feet.

There being no one else wishing to speak, the public hearing was closed at 11:33 a.m.

No action was taken on this item.

37. At approximately 10:51 a.m. hold a public hearing on a request by Callon Petroleum Operating Company (Pecan Acres 23A No. 2) for a Permit to Drill an Oil and Gas Well inside the City Limits on 467' FEL and 1,983' FNL located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Golden Gate Drive, approximately ¾ mile north of Briarwood Avenue. This is an opportunity for the Council to receive public comment. Council may consider this permit following a 30-day public comment period at a regularly scheduled meeting. (PLANNING)

Oil & Gas Compliance Officer Jenkins gave an overview of the item noting that it was the same information as the previous item with the same recommendation.

Mayor Perry opened the public hearing at 11:35 a.m.

Thomas Beach, 5500 Golden Gate Drive, asked if the drilling would affect their water. Oil & Gas Compliance Officer Jenkins responded that they would test his well before they begin drilling and then test it yearly. If there were any problems the Council would be contacted. Mr. Beach asked how far under his property they would be drilling. Mayor Perry suggested that Mr. Beach get together with Mr. Wright to answer specific questions. Mr. Beach asked why they had two years to put up fencing and beautify the area. Mr. Wright responded that was the request of the land owners so that they could match their fencing to the surrounding development.

There being no one else wishing to speak, the public hearing was closed at 11:41 a.m.

No action was taken on this item.

38. At approximately 10:54 a.m. hold a public hearing on a request by Callon Petroleum Operating Company (Pecan Acres 23A No. 3) for a Permit to Drill an Oil and Gas Well inside the City Limits on 467' FEL and 2,008' FNL located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Golden Gate Drive, approximately ¾ mile north of Briarwood Avenue.) This is an opportunity for the Council to receive public comment. Council may consider this permit following a 30-day public comment period at a regularly scheduled meeting. (PLANNING)

Oil & Gas Compliance Officer Jenkins gave an overview of the item noting it was the same pad as the previous two items but this would be directional drilled to the south.

Mayor Perry opened the public hearing at 11:42. There being no one present wishing to speak, the public hearing was immediately closed.

No action was taken on this item.

DEVELOPMENT SERVICES

39. Presentation of the 2011 Annual Accident Report. (TRANSPORTATION)

Transportation Manager Gary Saunders presented the 2011 Annual Accident Report and answered questions.

40. Consider an ordinance on a request for the vacation of a 0.52-acre tract vacating rights-of-way of streets and alleys in Block 79, East Midland and Blocks 2 and 4, Glenn Frances Addition, City and County of Midland, Texas. (Generally located near the southeast corner of the intersection of East Golf Course Road and North Jackson Street.) (PLANNING)

ORDINANCE NO. 8986

ORDINANCE VACATING AND ABANDONING A 0.52-ACRE TRACT OF STREET AND ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 79, EAST MIDLAND ADDITION, AND BLOCKS 2 AND 4, GLENN FRANCES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF EAST GOLF COURSE ROAD AND NORTH JACKSON STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $2,265.00; WAIVING THE FEE FOR THE COST OF THE RIGHT-OF-WAY; REPEALING ORDINANCE NO. 8969; AND ORDERING RECORDATION BY THE CITY SECRETARY

Planning Division Manager Walker gave an overview of the item noting this was part of the Sparks Park redevelopment project. He noted they needed to rescind the last ordinance and adopt a new one so that the new portion of land could be tied into the proposed lots.

Deputy City Secretary read the caption of Ordinance No. 8986.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 8986 in accordance with the Charter of the City of Midland; seconded by Council Member Hailey. The motion carried by the following vote: AYE: Morales, Hailey, Perry,

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

MISCELLANOUS

41. Consider an ordinance making certain transfers in various funds of the 2010 - 2011 fiscal year budget and making certain budget amendments and ordering recordation. (FINANCE)

ORDINANCE NO. 8987

ORDINANCE MAKING CERTAIN TRANSFERS IN VARIOUS FUNDS OF THE 2010-2011 FISCAL YEAR BUDGET AND MAKING CERTAIN BUDGET AMENDMENTS; AND ORDERING RECORDATION

Deputy City Secretary Reyes read the caption of Ordinance No. 8987.

Council Member Hailey moved approval of the first of two readings of Ordinance No. 8987 in accordance with the Charter of the City of Midland; seconded by Council Member Morales. The motion carried by the following vote: AYE: Morales, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Trost, Dufford.

42. Consider an ordinance providing the Midland Chamber of Commerce CVB additional funds to promote tourism in Midland. (COMMUNITY SERVICES)

ORDINANCE NO. 8988

ORDINANCE AMENDING THE OFFICIAL MUNICIPAL BUDGET FOR FISCAL YEAR 2011-2012 IN ORDER TO PROVIDE ADDITIONAL FUNDS TO THE MIDLAND CHAMBER OF COMMERCE FOR A FOURTH OF JULY EVENT IN DOWNTOWN MIDLAND; THE ADDITIONAL FUNDING PROVIDED WILL HELP PROMOTE TOURISM IN THE CITY OF MIDLAND

Deputy City Secretary Reyes read the caption of Ordinance No. 8988.

Council Member Hailey moved approval of the first of two readings of Ordinance No. 8988 in accordance with the Charter of the City of Midland; seconded by Council Member Morales. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

43. Presentation and discussion of schedule for 2012/2013 Community Development Block Grant Program. (COMMUNITY DEVELOPMENT)

Community Development Manager Sylvester Cantu gave a report noting there was substantially less dollars this year and answered questions.

44. Consider making appointments to various Boards and Commissions.

No appointments were made to boards and commissions.

45. Discuss litigation styled Jayanti Patel v City of Everman, Case No. 09-0506, in the Supreme Court of Texas and discuss litigation styled City of Dallas v Heather Stewart, Case No. 09-0257, in the Supreme Court of Texas. (CITY ATTORNEY)

City Attorney Stretcher reported that prior to July 1, City Councils had absolute authority to call structures dilapidated and to remove them. According to a Supreme Court ruling City Councils had no authority. He noted that the Supreme Court of Texas did grant a re-hearing and issued an opinion that City Councils have some jurisdiction. Once a council declares a structure dilapidated, they have to wait 30 days and put the item back on the agenda. If anyone sues, the City loses jurisdiction, if no one sues, the City retains jurisdiction. He also noted that the Council previously held public hearings on dilapidated structures and had a first reading. Council should expect to see those item on a future agenda.

46. Consider a resolution authorizing the City Manager to execute a form prepared by the Texas Comptroller regarding Senate Bill No. 18 enacted by the 82nd Texas Legislature; and Senate Bill No. 18 affects all eminent domain in Texas. (CITY MANAGER)

RESOLUTION NO. 2012 - 037

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FORM PREPARED BY THE TEXAS COMPTROLLER REGARDING SENATE BILL NO. 18

ENACTED BY THE 82ND TEXAS LEGISLATURE; AND SENATE BILL NO. 18 AFFECTS ALL ENTITIES AUTHORIZED TO EXERCISE THE POWER OF EMINENT DOMAIN IN TEXAS

City Attorney Stretcher noted this item was brought forward because the city is required to list the authority for eminent domain.

Council Member Hailey moved to adopt Resolution No. 2012-037; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

47. Consider a resolution approving an interlocal agreement between the City of Midland and the Midland County Fresh Water Supply District No. 1 regarding the T-Bar Ranch Groundwater Development. The T-Bar Ranch consists of approximately 22,149 acres of land and water rights in Winkler County and Loving County, Texas. (CITY ATTORNEY)

RESOLUTION NO. 2012 - 038

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIDLAND AND THE MIDLAND COUNTY FRESH WATER SUPPLY DISTRICT NO. 1 REGARDING THE T-BAR RANCH GROUNDWATER DEVELOPMENT. THE T-BAR RANCH CONSISTS OF APPROXIMATELY 22,149 ACRES OF LAND AND WATER RIGHTS IN WINKLER COUNTY AND LOVING COUNTY, TEXAS

Council Member Hailey moved to adopt Resolution No. 2012-038; seconded by Council Member James. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

EXECUTIVE SESSION

48. 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 with the City Attorney and Attorney(s) with the Law Firm of Cotton, Bledsoe, Tighe & Dawson, P.C., contemplated litigation involving a 45.99-acre tract of land located in Section 15, Block 39, T-1-S T&P RR Co. Survey, Midland County, Texas and more specifically described in Volume 2311, Page 306 of the Deed Records of Midland County, Texas.

    b. Section 551.074, Personnel Matters

        b.1. Deliberate the employment, evaluation, duties, and salary of the Presiding Municipal Court Judge, the Associate Municipal Court Judge, the City Manager, the City Attorney and the City Secretary.

Mayor Perry adjourned the meeting to executive session at 12:25 p.m.

There being no other business to come before the City Council the meeting was adjourned at 12:50 p.m.

PASSED AND APPROVED the 28th day of February, 2012.

_____
W. Wesley Perry, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary