MIDLAND CITY COUNCIL
MINUTES
August 14, 2012

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ___ a.m. on August 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), 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 Persephone Dakopolos, 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., August 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), 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

John James presented proclamation for National Immunization Month to Sal Garcia of Health Department and his staff.

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

   a. Presentation of a Proclamation for National Immunization Month.

PUBLIC COMMENT

Kim Henderson 4700 Boulder #712, speaking on behalf of PDAP, Midland Coalation, medication take backs that are expired or no longer needed. Last year 6 takebacks. This year taken in 180,000 pills, and keep medication out of dumpster and landfills. Have built two permanent medication drop off boxes and August 22nd will have ribbon cutting in lobby of sheriffs department nad second a Grahams pharmacy. A community forum on September 13 with panel of people at Midland Colelge from 7-9 p.m. has to do with informing community about drugs and alcohol.

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.

CONSENT AGENDA

Council Member Morales moved to approve Consent Agenda items 5 - 23 excluding 21; seconded by Council Member Dufford.

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

5. Approved a motion approving the following minutes:

Council Member Morales moved to approve Consent Agenda items 5 - 23 excluding 21; seconded by Council Member Dufford.

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

   a. Regular Meeting of July 24, 2012.

Council Member Morales moved to approve Consent Agenda items 5 - 23 excluding 21;

seconded by Council Member Dufford.

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

b. Special Meeting of July 26, 2012.

Council Member Morales moved to approve Consent Agenda items 5 - 23 excluding 21; seconded by Council Member Dufford.

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

6. Receive for information and possibly discuss third quarter Fiscal Year 2011 - 2012 Investment Report. (FINANCE)

Council Member Morales moved to approve Consent Agenda items 5 - 23 excluding 21; seconded by Council Member Dufford.

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

7. Approved a resolution approving a master agreement for the purchase of Uniforms for City of Midland employees. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 241

RESOLUTION AUTHORIZING THE EXECUTION OF A 2-YEAR PURCHASE AGREEMENT FOR UNIFORMS FOR CITY OF MIDLAND EMPLOYEES FROM THE LOW BIDDER, CINTAS-RUS, L.P., AT A TOTAL COST OF $96,505.50

Council Member Morales moved to approve Consent Agenda items 5 - 23 excluding 21; seconded by Council Member Dufford.

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

8. Approved a resolution approving the Phase 1 purchase of playground equipment for the Community Services Department. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 242

RESOLUTION APPROVING THE PURCHASE OF ASSORTED PLAYGROUND EQUIPMENT AT A TOTAL COST OF $137,037.85; AND AUTHORIZING THE EXECUTION OF PURCHASE AND INSTALLATION AGREEMENTS FOR THE PLAYGROUND EQUIPMENT PURCHASED HEREIN THAT REQUIRES INSTALLATION

Council Member Morales moved to approve Consent Agenda items 5 - 23 excluding 21; seconded by Council Member Dufford.

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

9. Approved a resolution awarding the project described as Reconstruct Executive Apron, Area B, at Midland International Airport to Jones Bros. of Odessa, Texas, and appropriate the necessary funds. (AIRPORTS)

RESOLUTION NO. 2012 - 243

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH JONES BROS. OF ODESSA, TEXAS, FOR THE PROJECT DESCRIBED AS RECONSTRUCT EXECUTIVE APRON, AREA B (7081) AT THE MIDLAND INTERNATIONAL AIRPORT; THE COUNCIL PREVIOUSLY AUTHORIZED ADVERTISEMENT FOR BIDS FOR THE PROJECT; THE CITY'S SHARE IS $326,303.00 IN WHICH 18,000.00 WAS PREVIOUSLY APPROPRIATED; AND APPROPRIATING FUNDS

Council Member Morales moved to approve Consent Agenda items 5 - 23 excluding 21; seconded by Council Member Dufford.

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

10. Approved a resolution authorizing the City Manager to execute on behalf of the City of Midland with the State of Texas, represented by the Texas Department of Transportation, for the implementation of the project described as Midland Airpark Hangar Expansion. (AIRPORTS)

RESOLUTION NO. 2012 - 244

RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ON BEHALF OF THE CITY OF MIDLAND, ALL CONTRACTS AND AGREEMENTS WITH THE STATE OF TEXAS, REPRESENTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, AND SUCH OTHER PARTIES AS SHALL BE NECESSARY AND APPROPRIATE FOR THE IMPLEMENTATION OF THE PROJECT DESCRIBED AS AIRPARK HANGAR EXPANSION WHICH IS AN IMPROVEMENT CONTAINED IN THE AIRPORT CAPITAL IMPROVEMENT PROGRAM

Council Member Morales moved to approve Consent Agenda items 5 - 23 excluding 21; seconded by Council Member Dufford.

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

11. Approved a resolution authorizing the execution of a Right of Way Agreement between WTG Processing, L.P. and the City of Midland at Midland Executive Airpark. (AIRPORTS)

RESOLUTION NO. 2012 - 245

RESOLUTION AUTHORIZING A RIGHT-OF-WAY LICENSE WITH THE CITY OF MIDLAND, TEXAS AND WTG PROCESSING, L.P.; SAID RIGHT-OF-WAY LICENSE IS FOR THE PURPOSE OF ENTERING CITY OF MIDLAND'S RIGHT-OF-WAY FOR PLACING, CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND REMOVING, THREE (3) PETROLEUM PRODUCTS AND PETROLEUM BY-PRODUCTS PIPELINES, FOR THE TRANSPORTATION OF PETROLEUM PRODUCTS AND PETROLEUM BY-PRODUCTS AND ONE (1) PAD SITE LOCATION

FOR THE USE OF A COMPRESSOR STATION, AND TO FURTHER HAVE THE RIGHT OF INGRESS AND EGRESS AT CONVENIENT POINTS; THE PIPELINE IS LOCATED WITHIN THE CITY OF MIDLAND RIGHT-OF-WAY, SECTION 36, BLOCK 39, T-1-N, T&P RY CO. SURVEY, MARTIN COUNTY, TEXAS; THE LICENSE TERM IS FOR TEN (10) 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

Council Member Morales moved to approve Consent Agenda items 5 - 23 excluding 21; seconded by Council Member Dufford.

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

12. Approved a resolution authorizing the execution of an agreement in lieu of annexation between the City of Midland and STG Development, LLC, regarding two tracts of land described as 152.2-acre tract located in Sections 1, 2, 11 and 12, Block 40, T-2-S, T&P RR Co. Survey and an 81.04-acre tract located in Section 11, Block 40, T-2-S, T&P RR Co. Survey, all in Midland County, Texas. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2012 - 246

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT IN LIEU OF ANNEXATION BETWEEN THE CITY OF MIDLAND AND GGB LEASING, L.P., STG DEVELOPMENT, LLC, AND STG DEVELOPMENT II, LLC, REGARDING TWO TRACTS OF LAND DESCRIBED AS AN 81.04-ACRE TRACT LOCATED IN SECTION 11, BLOCK 40, T-2-S, T&P RR CO. SURVEY AND A 152.2-ACRE TRACT LOCATED IN SECTIONS 1, 2, 11 AND 12, BLOCK 40, T-2-S, T&P RR CO. SURVEY, ALL IN MIDLAND COUNTY, TEXAS

Council Member Morales moved to approve Consent Agenda items 5 - 23 excluding 21; seconded by Council Member Dufford.

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

13. Approved a resolution authorizing the acceptance of a 15-foot water line easement located in Section 2, 11 and 12, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas; and ordering recordation by the City Secretary. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2012 - 247

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 15-FOOT WATER LINE EASEMENT LOCATED IN SECTIONS 2, 11 AND 12, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

Council Member Morales moved to approve Consent Agenda items 5 - 23 excluding 21; seconded by Council Member Dufford.

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

14. Approved a resolution authorizing the City of Midland to accept $21,093 as a donation from the Friends of the I-20 Wildlife Preserve and Jenna Welch Nature Study Center, and appropriating said funds to Project No. 8998. (COMMUNITY SERVICES)

RESOLUTION NO. 2012 - 248

RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO ACCEPT A DONATION IN THE AMOUNT OF $21,093.00 FROM THE FRIENDS OF THE I-20 WILDLIFE PRESERVE AND JENNA WELCH NATURE STUDY CENTER IN ORDER TO ASSIST IN THE CONSTRUCTION OF THE I-20 WILDLIFE PRESERVE PAVILION AND RESTROOMS PROJECT, AND APPROPRIATING FUNDS

Council Member Morales moved to approve Consent Agenda items 5 - 23 excluding 21; seconded by Council Member Dufford.

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

15. Approved a motion on a request by Schumann Engineering for Bonito Estates – Section 2, to approve items requested for deferral in the amount of $343,830.90, and to waive the associated public improvement guarantee. (ENGINEERING SERVICES)

Council Member Morales moved to approve Consent Agenda items 5 - 23 excluding 21; seconded by Council Member Dufford.

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

16. Approved a motion on a request by Schumann Engineering for Bonito Estates – Section 3, to approve items requested for deferral in the amount of $543,016.80, and to waive the associated public improvement guarantee. (ENGINEERING SERVICES)

Council Member Morales moved to approve Consent Agenda items 5 - 23 excluding 21; seconded by Council Member Dufford.

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

17. Approved a motion on a request by West Engineering for Mustang Trail Addition, to approve items requested for deferral in the amount of $115,824.10, and to waive the associated public improvement guarantee. (ENGINEERING SERVICES)

Council Member Morales moved to approve Consent Agenda items 5 - 23 excluding 21; seconded by Council Member Dufford.

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

18. Approved a resolution authorizing a right-of-way crossing license with the City of Midland, Texas and Midmar Gas LLC. for the purpose of installing one 6" poly pipeline to gather gas from an oil and gas lease under a portion of Holiday Hill Road right-of-way

within the City of Midland, Texas, Section 6, Block X, H.P. Hillard Survey, and Section 24, Block 40, T-1-S, T&P RR. Co. Survey City of Midland, Midland County Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2012 - 249

RESOLUTION AUTHORIZING A RIGHT-OF-WAY LICENSE WITH THE CITY OF MIDLAND, TEXAS AND MIDMAR GAS, L.L.C.; SAID RIGHT-OF-WAY LICENSE IS FOR THE PURPOSE OF ENTERING CITY OF MIDLAND'S RIGHT-OF-WAY FOR THE PURPOSE OF INSTALLING 1 SIX INCH POLY PIPELINE TO GATHER GAS FROM AN OIL AND GAS LEASE UNDER A PORTION OF HOLIDAY HILL ROAD; THE PIPELINE IS LOCATED WITHIN THE CITY OF MIDLAND RIGHT-OF-WAY, SECTION 6, BLOCK X, H.P. HILLARD SURVEY, AND SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND, MIDLAND COUNTY, TEXAS; THE LICENSE TERM IS FOR TWENTY-FIVE (25) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE AND MAY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL TWENTY-FIVE (25) YEAR TERM UPON 90 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

Council Member Morales moved to approve Consent Agenda items 5 - 23 excluding 21; seconded by Council Member Dufford.

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

19. Approved a motion on a request by Landgraf, Crutcher, and Associates for the Los Conchos Estates (Phase 2), to approve items requested for deferral in the amount of $227,550, and to waive the associated public improvement guarantee. (ENGINEERING SERVICES)

Council Member Morales moved to approve Consent Agenda items 5 - 23 excluding 21; seconded by Council Member Dufford.

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

20. Approved a motion on a request by West Company of Midland for the Harvell Addition, to approve items requested for deferral in the amount of $479,906.56, and to waive the associated public improvement guarantee. (ENGINEERING SERVICES)

Council Member Morales moved to approve Consent Agenda items 5 - 23 excluding 21; seconded by Council Member Dufford.

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

21. Approved a motion on a request by Schumann Engineering for Quail Ridge Addition (Section 3), to approve items requested for deferral in the amount of $42,286.70, and to waive the associated public improvement guarantee. (ENGINEERING SERVICES)

Hailey excited action is taking place and asked for a brie fupdate. City Engineer David Beard gave an overview.

It has nothing to do with the housing.

Council Member Sparks moved to approve Approved a motion on a request by Schumann Engineering for Quail Ridge Addition (Section 3), to approve items requested for deferral in the amount of $42,286.70, and to waive the associated public improvement guarantee. ; seconded by Council Member Hailey.

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

22. Approved a resolution to accept and appropriate grant funding awarded through the 2012 Justice Assistance Grant Program. (POLICE)

RESOLUTION NO. 2012 - 250

RESOLUTION AUTHORIZING THE CITY OF MIDLAND POLICE DEPARTMENT IN CONJUNCTION WITH THE MIDLAND COUNTY SHERIFF'S DEPARTMENT TO ACCEPT THE FISCAL YEAR 2012 JUSTICE ASSISTANCE GRANT FUNDS TOTALING $31,908.00; THE CITY OF MIDLAND WILL RECEIVE $19,145.00 (60%) AND MIDLAND COUNTY WILL RECEIVE $12,763.00 (40%) OF THE GRANT FUNDS; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS; AND APPROPRIATING FUNDS

Council Member Morales moved to approve Consent Agenda items 5 - 23 excluding 21; seconded by Council Member Dufford.

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

23. Approved a resolution to accept funding awarded through the 2013 Victim Coordinator Liaison Grant Program. (POLICE)

RESOLUTION NO. 2012 - 251

RESOLUTION ACCEPTING THE FISCAL YEAR 2013 VICTIM COORDINATOR AND LIAISON GRANT FROM THE TEXAS ATTORNEY GENERAL; THIS GRANT IS TO BE USED BY THE MIDLAND POLICE DEPARTMENT TO MAINTAIN A VICTIM ASSISTANCE LIAISON POSITION; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS; AND DEPOSITING THE FUNDS INTO THE GENERAL FUND

Council Member Morales moved to approve Consent Agenda items 5 - 23 excluding 21; seconded by Council Member Dufford.

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

SECOND READINGS

24. Consider an ordinance on second reading on a request by Rick Shirley for a zone change from PD, Planned District for a Shopping Center, to a Planned District for a Housing Development on a 12.63-acre tract of land out of the NW/4 of Section 6, Block

39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of South Loop 250 West, approximately 1/4 mile north of West Wall Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9006

ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 12.63-ACRE TRACT OF LAND OUT OF THE NORTHWEST QUARTER OF SECTION 6, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED AS TWO SEPARATE PLANNED DISTRICTS FOR SHOPPING CENTERS, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE EAST SIDE OF LOOP 250, APPROXIMATELY 1/4 OF A MILE NORTH OF WALL STREET); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

sr rco

Council Member James moved to approve the second and final reading of Ordinance No. 9006 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, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Trost.

25. Consider an ordinance on second reading on a request by Basin Burger House, LLC. for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant. (Generally located on the southwest corner of the intersection of West Louisiana Avenue and North Colorado Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9043

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS THE NORTH 125 FEET OF THE EAST HALF OF BLOCK 29 AND THE ADJACENT VACATED 0.032-ACRE PORTION OF WEST LOUISIANA AVENUE RIGHT-OF-WAY, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST LOUISIANA AVENUE AND NORTH COLORADO STREET), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, 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

sr rco

Council Member Morales moved to approve the second and final reading of Ordinance No. 9043 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, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Trost.

26. Consider an ordinance second reading on a city-initiated request to amend the City's Thoroughfare Plan from The City's Comprehensive Plan 2025, Chapter 4, The Thoroughfare Plan, "Plate 4-1". (DEVELOPMENT SERVICES)

ORDINANCE NO. 9045

AN ORDINANCE OF THE CITY OF MIDLAND, TEXAS, AMENDING THE MIDLAND COMPREHENSIVE PLAN 2025 AS AUTHORIZED BY CHAPTER 213 OF THE TEXAS LOCAL GOVERNMENT CODE; SAID COMPREHENSIVE PLAN ILLUSTRATING THE FUTURE DEVELOPMENT OF THE CITY OF MIDLAND; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

sr rco

Council Member Hailey moved to approve the second and final reading of Ordinance No. 9045 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

27. Consider an ordinance on second reading amending City of Midland Code of Ordinances 8-6-18 (A) 5. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9046

AN ORDINANCE AMENDING TITLE VIII, "FOOD ESTABLISHMENTS, HEALTH AND GENERAL SANITATION", CHAPTER 6, "GARBAGE, TRASH AND RUBBISH," SECTION 18, "ACCUMULATION OF STAGNANT WATER, FILTH, WEEDS, BRUSH, AND DEBRIS ON LOTS" SUBSECTION A "PROHIBITED ACCUMULATIONS" PARAGRAPH 5 OF THE MIDLAND CITY CODE SO AS TO MODIFY THE TERM "DEBRIS" AND ADDING A NEW PARAGRAPH 6 SO AS TO CREATE PRESUMPTIONS AS TO OWNERSHIP, POSSESSION AND OCCUPYING; AND AMENDING TITLE VIII, "FOOD ESTABLISHMENTS, HEALTH AND GENERAL SANITATION", CHAPTER 6, "GARBAGE, TRASH AND RUBBISH," SECTION 18, "ACCUMULATION OF STAGNANT WATER, FILTH, WEEDS, BRUSH, AND DEBRIS ON LOTS" SUBSECTION "B" "AFFIRMATIVE DEFENSES" SO AS TO ESTABLISH AFFIRMATIVE DEFENSES TO PROSECUTION AND SUBSECTION "C" "PENALTY" OF THE CITY CODE OF MIDLAND, TEXAS, CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS ($500.00); AND ORDERING PUBLICATION

sr rco

Council Member Hailey moved to approve the second and final reading of Ordinance No. 9046 in accordance with the Charter of the City of Midland; seconded by Council Member James.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9046 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Sparks offer amendment to subsection D Section 3 that would add a judicial notice which would allow for easier implementation in municipal court. Stretcher in Municipal court have to proove that occupy or own residence, try to use water bills or tax records and sometimes the other side contests that and end up having to sopboena from each jurisdiction and hav eto sit in ocurt room all day to testify for 2-3 minutes that this an accurate records. Trying to give muni cour tjudge examine record nad they take judiicial notic and wont hav eot sobpoena.

james have solicite dinput for judge. Stretcher have not on this ord but this exact lang is in other ordinance nad judge has nad no trouble with language in other ordinance, they like it.

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

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

28. Consider an ordinance on second reading approving the expenditure of $50,000 of TIRZ funds for the purpose of promoting Downtown events. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9047

AN ORDINANCE APPROVING A PROMOTIONAL AGREEMENT BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 AND THE DOWNTOWN MIDLAND MANAGEMENT DISTRICT; AND APPROVING A GRANT OF $50,000.00 FROM THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 TO THE DOWNTOWN MIDLAND MANAGEMENT DISTRICT PURSUANT TO THE PROMOTIONAL AGREEMENT

sr rco

Council Member Hailey moved to approve the second and final reading of Ordinance No. 9047 in accordance with the Charter of the City of Midland; seconded by Council Member James.

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

PUBLIC HEARINGS

29. At approximately 10:30 a.m. hold a public hearing and consider an ordinance on a request by Andrew Mellen for a zone change from PD, Planned District for a Housing

Development to Amended Planned District. (Generally located on the east side of Loop 250, between Graceland and Leisure Drives.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9048

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 161, WILSHIRE PARK ADDITION, SECTION 9, 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 EAST SIDE OF LOOP 250, BETWEEN LEISURE DRIVE AND GRACELAND DRIVE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Cameron Walker provided an overview of the item noting the applicant is present this morning, Andrew Mellon, 200 units, currently Graceland nad lesirue drive, this portion of Beal Parkway is not constructed, site plan contians 9 building snad one clubhouse structure and pool facility. combination of 2 and 3 swtory buildings. Significant buffer from area across Beal Parkway located entirely within the partment. Over 150-170 feet between existing res and cloest buldg. no leter of object p&Z rec in favor. No direct acess to the loop acess from 3 surrounding roads. staff rec approval.

Hailey 3 story but not overlooking into anybodys yard? correct. wp oph 10:?36 a.m. cph

sr rco

Council Member Hailey moved approval of the first of two readings of Ordinance No. 9048 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

Trost arrived at 10:26 A.M

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

30. At approximately 10:33 a.m. hold a public hearing and consider an ordinance on a request by Barbara Ann Harris for a zone change from 1F-2, One Family Dwelling District to LR-3, Local Retail District. (Generally located on the west side of South Marshall Street, approximatley 150 feet south of East Florida Avenue) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9049

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 4, BLOCK 192, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING

DISTRICT, TO BE USED AS AN LR-3, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF MARSHALL STREET, APPROXIMATELY 150 FEET SOUTH OF EAST FLORIDA AVENUE); 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 provided an overview of the item noting it is currently used as a service center for over two generations and owner is asking that zoning be amended to lr3. Two phone clals received but no letters of objection, staff and comm rec approval. Hailey plan on putting abusiness there? Cameron not sure at this time.

garage has been clsoed for some time and too difficult to make a residence. Trost do they plan on tearing building down? Cameron represented by member of real estate who sees redev of property. wp oph 10:41 a.m. cph

sr rco

Council Member Hailey moved approval of the first of two readings of Ordinance No. 9049 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, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

31. At approximately 10:39 a.m. hold a public hearing regarding a proposed oil and gas permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 22C#1) located 1,847 feet from the east line and 467 feet from the south line located in Section 22, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Trobaugh Boulevard, approximately 467 feet north of Briarwood Avenue.) (DEVELOPMENT SERVICES)

O&G Ron Jenkins wells located north of Briarwood the flow lines will go to already approved battery to the east . well approved by O&G. Callon requesting....

no houses within 500 feet. closest house 828 feet.

wp oph 10:44 a.m. cph

no action.

32. At approximately 10:42 a.m. hold a public hearing and consider an ordinance on a request by MARC Inc. and B & R Metal Buildings for a zone change from 2F, Two-Family Dwelling District, to a PDHD, Planned District for a Housing Development. Generally located on the northwest corner of the intersection of Tarleton Street and Shell Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9050

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY

PERMITTING LOTS 1-3, BLOCK 1, BISHOP ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 2F, TWO-FAMILY DWELLING DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF TARLETON STREET AND SHELL AVENUE); 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 provided an overview of the item noting property owned by Rodger Wells except for end lot end by MARC. Suggested Mr. Wells asked for rezoning of his lot hwich has old home would like to demolish and put 3 homes and 2 lots. Asking to match lot size of homes to the west. Did receive a couple of letters of opposiition. The two letters do not approach the 20%. concur with P&Z and should be a continuzation fo zoning to the west. Have to have minimum of 50 feet to make 2F and the tool to allow for small lots is PDHD they will be larger than lots to the west.

wp oph 10:48 a.m. cph

sr rco

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9050 in accordance with the Charter of the City of Midland; seconded by Council Member James.

two letters from Carassco and Dennis Mayor handed out letters.

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

33. At approximately 10:45 a.m. hold a public hearing and consider an ordinance on request by Jim Roachelle for a zone change from LR-2, Local Retail District to PD, Planned District for a Housing Development. (Generally located at the northwest corner of West Illinois Avenue and Delmar Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9051

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 3A, BLOCK 15A, OXFORD HEIGHTS, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF WEST ILLINOIS AVENUE AND DELMAR STREET); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITYCLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Walker provided an overview of the item noting didn't find

anything on map from since early 80's. Asking consider looking to more than 10 feet between bldgs. Have adequte parking 104 spae to accomodate 52 units. Received no letters of objection, were conscious of difference in building height but whole corridor is developed with multi fmaily or retail uses. Don'tfeel scael or number o unit is out of palce and recommend approval.

Dufford the increase density seeing on apartment complex is that as a result of the meeting that took place P&Z or all of these been asked for by the developers? Been at 16 and had discussions about inreasing density. Is this city initiated or developer request. Cameron it is two-part. 16 units an acre is hard to make number work. Morales what is fire/polie opinion on higher density? Cameron FD is part of weekly review of site plans. main goal is to see accessible to fire and police. Steve all multi family requires fire sprinklers now. Does our ordinance on traffic logistics have we adjusted our permitting on that is higherdesnity would chang eeverything, parking, ingress/egress? Cameron require per code 2 parking space for each apartment unit and may recall recently brownstone proposal the number would have been reduced to 1.65 because in downtown location.Mostly multi fmaily standards are able to meet parking standards. Going to amend the city zoning regulation including the 16 unit per acre density and suspect parking will come up as well.

James just like density is different in urban think parking is different. Heard Morales say not in favor of parking on street city wide? Morales not control as apps ome up so homeowners or retailers where allowable parking on street. James when address issue imagine Genor and downtown interest entitites will want to look at downtown as a seperate and distinct location or an area where ther eis more land.

Trost going up both sides of street there are trash bins on mcdonalds and on west side of delmar. challenge anyone to go take a look at sat and not in favor of allow street parking.

wp oph 11:06 a.m.

Eric West, parkhill Smith Cooper, answered questions. His version of desnity question overall. Think that historically what happened was to achieve a better density on a piece of land with only 2 story apartment compelx on smaller piece of land had to allow off street parking. In order to ehlp alleviate that and to say make sure parking stay son site then 16 units peracre and keep parking on site. What we're seeing is 16 units an acre is not dense enough to make projects viable. Need more density. More density is a good thing fewer infrastructure needs. Midland isn't ready for density in ultra urban reas. As move from 16 to 24 you will see a lot of that because it is a density that works well with a 3 story apartment nad keep all parking on site. With this particular site itis more valid it is a very small site. Spoke to trash being located on alley side of property where it could be accessed by solid waste. Limited space between buildings 10 feet. Primary reason is there is a publi cutility easement that comes in at an angle. To increase the seperate between the building would involve abandoning the easement. Asked that the code does not call for a specific seperation.

Sparks what is purpose to seperate the buildings. Eric 3 stories tall better feel more safety. 10 foot aceptable and preference would be 15-20 feet. The ownership of this is same as owner of apartments. Trost is this low income middle income? Eric if this brand new apartments with storage units and garages it will not be on the low end.

Beyond that would be speculating. This will be a well done facility that will command a reasonable rent for the space available.

Morales because ofr increasing density are playgrounds taken away? Eric there is a small playground planned as well as picnic and grassy areas. no pool. Walking distance to school and parks to the north.

cph 11:18 a.m.

sr rco

Council Member James moved approval of the first of two readings of Ordinance No. 9051 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

James comment Mr. West did great job navigating what could be problematic at some point down the road but instructive because in areas where older shopping centers, we've got to do things to encourage new development near and around thsoe sites where it could go either way. Great project to help move us to additional development in older areas.

Trost owner has done a great deal at that shopping center.

Morales had 3 senior citizens call or e-mail requeting seniors being moved out of apartments because of high rent. Keep a small percentage at a ratge that senior scan afford.

sparks as have mroe apartments and housing available prices will come down. James recent study that said everything that is coming on line in 18 months the marketpalce from a housing perspective wil have caught up.

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

34. At approximately 10:48 a.m. hold a public hearing and consider a resolution on a request by St. Ann's Catholic Church for approval of a Temporary Land Use Permit for a Church Carnival and Fair. Generally located between West Illinois Avenue and West Texas Avenue, east of North "O" Street. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2012 - 252

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH CARNIVAL AND FAIR ON LOT 13, BLOCK 71, WEST END ADDITION, SECTION 15, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED BETWEEN WEST ILLINOIS AVENUE AND WEST TEXAS AVENUE, EAST OF NORTH “O” STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Planning Division Manager Walker gave an overview of the item noting for St. Ann's annual fair weekend of September 27-30. Additional bathrooms will be added on site and 24 peace officers on locatio during event. no let of obj. site plan indicates where things located for booths, food.

Hailey do they foreseee outgrowing this space? Cameron not sure?

operating since 1948. Morales has grown a lot of volunteers and managed well. It keep family and community together would lose culture if moved somewhere else. Dufford increased size of theri area.

wp oph 11:26 a.m. Steve 106 W Texas had it on church and some area filled in. Asking about closing a street. Realize it cuases traffic problems as well. Security has donw great job of organizing and getting people out of way. don't see it moving for fact that it is set up on property and very easy to set up and tear down. Once put up farris wheel it is seen all over town. carnival would like to have more space they typically leav eout 4 or 5 rides but they make do with what they have.

wp oph 11:29 a.m. cph

Council Member James moved to adopt Resolution No. 2012 - 252; seconded by Council Member Hailey.

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

35. At approximately 10:51 a.m. hold a public hearing and consider a resolution on a request by Museum of the Southwest for approval of a Temporary Land Use Permit for an Outdoor Amusement Function. Generally located on the south side of Missouri Avenue, between “J” and “L” Street. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2012 - 253

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN OUTDOOR AMUSEMENT FUNCTION ON LOTS 10-12, BLOCK 93, LOTS 1-5, BLOCK 105, AND BLOCKS 94 AND 104, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF MISSOURI AVENUE, BETWEEN “J” STREET AND “L” STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Planning Division Manager Walker gave an overview of the item noting annual SeptemberFest event longstanding for last 41 years. art exhibits, live music, food and music, 7-9 of September . Addiitonal bathroom facilities provided on property, peace officer 12 on site during all operating hours. Requesting to have alcoholic beverage available during entire event fr 6-11 s 9-6 su 12 noon - 5 p.m. No ltters of objection

morales oph 11:31 a.m. cph

Council Member James moved to adopt Resolution No. 2012 - 253; seconded by Council Member Morales.

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

36. At approximately 6:00 p.m. hold a second public hearing regarding a proposal establishing the Ad Valorem tax rate of 0.461088 per $100 taxable assessed valuation

for the Fiscal Year 2012-2013 and announce dates of August 21, 2012 and August 27, 2012 at 9:00 a.m. to vote on tax rate. (FINANCE)

Council present: Morales, Dufford, Sparks, Trost, Perry
Council absent: Hailey, James
reconvened at 6:03 p.m.

wp oph 6:04 p.m.

Robert Crites 606 E Broadway, why do we have to go up on effective tax rate for the year? Over 700,000 more than previous year. There is a rainy day fund which leaves more than enough money instead of raising the tax rate on people who live here. Mayor explained that the rate is going down but the effective rate is going up. (James arrived at 6:06 p.m.) The extra money is for a Fire Station and new Fire Fighters and upgrades to technology that is mandated. Don't see why with rainy day fund rather than burden the citizens of Midland. Sparks the rainy day fund doesn't grow yearly. We shrank it and it grew this year. Perry we are doing work on roads and don't know what sales tax is going to do. Trying to use most of the money gained last year on streets this year.

Lori Bizzle, 2816 Auburn Drive, here about effective tax rate. Came to a taxpayer thing a few years back was to go through budget and tell city areas that could be cut. Have gone thru some of the budget. Have gone up in title 4 for schools because of all money bringing in considered to be a rich district, had increases in hotel/motel tax and increase in taxes because more people. Infrastructure is something that is needed and will provide homes and business can collect more revenue. Hear story on news how can find affordable housing. The rates have gone up and up and up you are not necessarily getting an increase in salary. We're booming and want to increase the effective tax rate. Mayor trying to encourage more developers to come into town to catch up with need. Lori noticed out of general fund and legislative 80% increase in travel and entertainment.Consulting fees 82%. City Manager's Office salary 112%. Dues and subscription 758% increase. 2010 budget $940, 2011 $1040. Proposed budget $2400. Travel and entertainment 5834 2011 10521 CM office 112% inrease. CM PIO is paid out of non-departmental last year and now paid out of cm office. If looking for areas where things can be cut to keep taxes down think you could look through this. New employee hired, first year public communications person already had longevity already had 2.7 weeks paid time off in first 6 months of employment and base salary is $123,000. Mayor can sit down and review with you but hard to talk about when we don't have the exact same data in front of us. Lori have to have decent paying job just to pay taxes and insurance and thinking about this as she approaches retirement.

cp 6:16 p.m.

Mayor Perry announced August 21 and August 27 will vote on tax rate. James opportunity to discuss questions/concerns. Encourage all to attend that meeting.

Dufford have started off back when tax rate was 62 or 65 cents. If look over course of past 10 years the staff and Council done good job of making sure don't grow more than that 3% per year which is less than inflation and take into account population growth of 3% have done an outstanding job of where tax rate is.

cph 6:19 p.m. Adjourned meeting at 6:19 p.m.

MISCELLANOUS

37. Consider making appointments to various Boards and Commissions.

James member of EZ rider resigned and will come up next week

keep apps for annual appointments

accept ed resignation of Richard Dunahm.

EXECUTIVE SESSION

38. 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:

Mayor Perry announced that meeting would be recessed to executive session and then recess until 6:00 p.m. tonight for public hearing. 11:32 a.m.

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