

**MIDLAND CITY COUNCIL
MINUTES
August 20, 2013**

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 8:05 a.m., August 20, 2013.

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

Council Members absent: Mayor Pro Tem Jeff Sparks (District 1).

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.

EXECUTIVE SESSION

1. Mayor Perry announced that pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:
 - a. Section 551.074 Personnel Matters
 - a.1. Deliberate the employment, evaluation, compensation and duties of the City Manager, the City Attorney, the City Secretary, the Municipal Court Presiding Judge and the Municipal Court Associate Judge.
 - b. Section 551.087 Deliberate Economic Development Negotiations
 - b.1. Discuss business prospects that the City seeks to have, locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

Mayor Perry recessed the meeting to Executive Session at 8:06 a.m. The council reconvened in Regular Session at 9:00 a.m.

PUBLIC HEARINGS

2. At approximately 9:00 a.m. hold a public hearing on the proposed 2013 - 2014 City of Midland Annual Operating Budget. (FINANCE)

Finance Director Bob McNaughton and City Manager Courtney Sharp presented an overview of the budget noting the proposed tax rate is .431927 which is a 2.9161 cent decrease from last year's rate of .461088. Mr. McNaughton reported that the average resident in an average homestead would pay an increase of \$9.24 over last year and provided other scenarios.

Mr. McNaughton reviewed percentage of employees versus population, the tax rate

compared to other similar cities, revenues and expenditures in the various funds, and answered questions.

Mayor Perry opened the public hearing at 10:06 a.m.

Lupe Villanueva, 4802 Lemonwood, representing the Midland Hispanic Chamber of Commerce, addressed some of the financial challenges the Hispanic Chamber has overcome and some of their plans to address those challenges noting they were recently approved for a bingo permit that will help their finances.

Rachel Stone, 1902 N. Pecos, noted their 2012 audit would be complete in October and that other required financials have been turned in as required. She answered questions about their incubator program noting they have had 20 companies graduate and five companies who left the program for various reasons. She stated their request was for \$60,000. She answered other questions about the incubator program, their financials, and tracking of hours.

City Manager Sharp noted that after the budget is adopted, staff will come back with all outside agency contracts with each contract spelling out the terms and conditions that each agency must comply with. He noted there were issues with the Hispanic Chamber's financial reports but over the course of several meetings those issues have been addressed and the Finance Director reviews the monthly statements from the Hispanic Chamber each month.

Tom Jones, Executive Director of Share, reported they have been a part of the Hispanic Chamber's incubator program for about three years. They are a young non-profit that was formed in 2009 and were fortunate to be accepted into the incubator program. He explained how it has benefited their organization and given them the flexibility to grow. They will be graduating from the program in December and moving into new offices.

Harold Fuller, 4809 Rosewood, General Manager of West Texas Drillers Football team reported they are a member of the Hispanic Chamber's incubator program and explained how the program has benefitted his business. He encouraged the Council to continue supporting the incubator program.

Angel Beltran reported he is not in the incubator program but has applied. He spoke how the program can help benefit his new business.

Mary Mabry asked if tax payer money was going to pay for Energy Tower. Mayor Perry noted that at the current time, no deal has been made with Energy Tower and offered to discuss the issue with her.

There being no one else present wishing to speak, the public hearing was closed at 10:47 a.m.

MISCELLANEOUS

3. Consider an ordinance providing funds for the Fiscal Year beginning October 1, 2013 and ending September 30, 2014 (FINANCE)

ORDINANCE NO. 9175

AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL

YEAR BEGINNING OCTOBER 1, 2013, AND ENDING SEPTEMBER 30, 2014, BY APPROVING THE BUDGET FOR SAID PERIOD AND APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES AND UNAPPROPRIATED FUND BALANCE OF THE CITY OF MIDLAND FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS TO THE CITY; AND ORDERING PUBLICATION

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9175.

Council Member Love moved approval of the first of two readings of Ordinance No. 9175 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Director of Finance, Bob McNaughton answered questions about the working capital fund balance and how employee vacancies affect the budget.

Discussion ensued about the potential of funding the Bush Tennis Center. A motion was made and withdrawn to fund the Bush Tennis Center.

Council Member Trost addressed the contract at the Senior Centers noting he would like to do an evaluation of the contract and programs offered. He provided staff with a 45 page evaluation tool kit. Discussion ensued about the Senior Centers noting an evaluation should be done prior to the expiration of the current contract.

Yvonne Snitker, 1712 Navajo, reported that Community and Senior Services (CSS) has dissolved their advisory board and their contract doesn't end until next year. She asked Council to direct CSS to reinstate the advisory board and ask them not to make any other changes.

John Tominovich, 2433 Whitmire Boulevard, stated he is a member of the senior center and reported there is a lot of unrest with the current management. He noted a few people have been banned from attending the center without being told in writing why they have been banned.

Carol Barret, 2411 Nix Place, stated she had been a member of senior center since moving to Midland in 2007. In May, she was banned from the center and had been president of the advisory board. They told her to gather her items and escorted her from the building under the threat that she would be arrested if she returned. She agrees with the idea of doing an evaluation because the seniors are being bullied and lied to. She asked that they talk to CSS and explain the senior's concerns.

Kimberly Smith, 2201 Harvard, spoke about the incubator program at the Hispanic Chamber noting it has a good impact for small businesses.

Discussion ensued about the senior centers. Consensus was received to have Council Member Trost work with staff on addressing issues and completing an evaluation.

Council Member James suggested the City become more aggressive with filling vacancies in all of public safety and implored the City Manager to develop a recruitment program that involved a rental stipend to ensure that we are able to recruit and maintain critical employees using the fund balance. Consensus was received to have the City

Manager come back with a plan to include rental stipend and bonus for any key personnel.

Discussion ensued about the Airport paying 100 percent of its costs. Staff was directed to update the report previously done and bring it back to Council for consideration.

Discussion ensued about the Planning and Engineering Departments and coming with up aggressive, out-of-the-box approach to make improvements in those areas. Seeing no disagreement, consensus was received for staff to move forward in that area as well.

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

4. Consider an ordinance fixing the tax levy for the City of Midland, Texas, for the Fiscal Year beginning on October 1, 2013 and ending on September 30, 2014. (FINANCE)

ORDINANCE NO. 9176

AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2013 AND ENDING ON SEPTEMBER 30, 2014

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9176.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9176 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Love, Morales, Perry, Dufford, James. NAY: Trost. ABSTAIN: None. ABSENT: Sparks.

EXECUTIVE SESSION

Mayor Perry announced the Council would return to Executive Session and adjourn the meeting from there. The meeting recessed to Executive Session at 12:17 p.m.

All of the business at hand having been completed, the meeting adjourned at 1:26 p.m.

PASSED AND APPROVED the 10th day of September, 2013.

W. Wesley Perry, Mayor

ATTEST:

Amy M. Turner, City Secretary