

**MIDLAND CITY COUNCIL  
MINUTES  
February 22, 2011**

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:02 a.m. on February 22, 2011.

Council Members present: Mayor W. Wesley Perry, Mayor Pro Tem Michael Trost (District 4), Council Member Jeff Sparks (District 1), and Council Member John James (District 3).

Council Members absent: Council Member Scott Dufford (At-Large), Council Member Jerry Morales (At-Large), Council Member Vicky Hailey (District 2), (Hailey arrived at 9:06 a.m.)

Staff members present: City Manager Courtney Sharp, City Attorney Keith Stretcher, Deputy City Manager Tommy Hudson, Interim City Secretary Amy Turner, Development Services Director Rick Crownover, Utilities Director Stuart Purvis, Building Official Steve Thorpe, GIS Manager Bill Hodge, Assistant Utility Director Jill Reed, City Engineer David Beard, and Public Information Officer Tasa Watts.

**BRIEFING SESSION**

1. Receive a presentation and discuss a Municipal Setting Designation as it relates to groundwater issues.

Development Services Director Rick Crownover noted that staff needed Council direction. CVS found contamination in the groundwater at the Illinois site and they would like help in mitigating the costs involved.

Assistant Utility Director Jill Reed showed a presentation giving an overview of the Municipal Setting Designation (MSD) process noting that CVS entered into a voluntary clean-up program with TCEQ in 2009 when the groundwater contamination was discovered. An MSD provides a legislative means to address groundwater contamination. An MSD can simplify closure issues, allows slightly affected areas to redevelop faster, and provides for less extensive site assessment. An MSD cannot eliminate all assessment and clean-up requirements and it cannot guarantee more lenient requirements in all situations.

She noted that if the city chose to move forward, the next step would be for the city to pass an ordinance in support of MSD and prohibit groundwater access at the affected area. CVS is required to provide legal notifications to municipalities, water utility districts, and water well owners within specified radiuses. Finally, TCEQ would review and certify the process.

If the City does not support the MSD then CVS would be required to locate the source of the contamination, current property owners in the affected area would be responsible for remediation, and the overall expenses could exceed property values for owners who may not have contributed to the contamination. If the City supports the MSD it would prevent innocent property owners from entering the remediation process, simplifies CVS's closure of groundwater issues at the site, allows for future redevelopment of the site, and creates a tool for future issues if they arise.

When asked if the City would have any liability, Assistant Utility Director Reed answered none that were apparent at the time. Discussion ensued about why this process can make the rules more lenient.

Development Services Director Crownover noted that he had additional information from the consultant and TCEQ and that he would forward it to the Council. City Manager Sharp noted that direction was needed from the Council if they would like to move forward. He noted other locations that are currently using the process, stated that the plume is not moving, and is a low level contamination. He noted that he would gather pros and cons from other cities as to why they did or did not complete the process.

The foregoing agenda item was discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:28 a.m.

**REGULAR SESSION**

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:02 a.m., February 22, 2011.

Council Members present: Mayor W. Wesley Perry, Mayor Pro Tem Michael Trost (District 4), 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) and Council Member Jerry Morales (At-Large)

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

**MISCELLANEOUS**

1. The invocation was voiced by Monsignor Larry Droll, St. Ann's Catholic Church.
2. The Pledge of Allegiance to the Flag was stated.
3. No presentations of special events, organizations, individuals, or periods of time were given.

**PUBLIC COMMENT**

4. Mayor Perry opened the floor for public comments to allow individuals to address the City Council on city-related issues and projects.

Lisa Grissom, 3600 North Midland Drive, spoke regarding the Tall City Blues Fest that will be held July 29-31, 2011. She distributed press kits to Council and gave a complete overview of the festival. She asked Council to publicly endorse the festival.

There were no other requests by citizens to speak.

**CONSENT AGENDA**

Mayor Pro Tem Trost moved to approve Consent Agenda items 5-7, 9-10, and 12-15; seconded by Council Member Hailey. The motion carried by the following vote: AYE: Trost, Hailey, Perry, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Morales and Dufford.

5. Approved the minutes of the regular City Council meeting of February 8, 2011.
6. Adopted Resolution No. 2011-038. Caption of said resolution is as follows:

RESOLUTION NO. 2011-038

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE PURCHASE OF FERTILIZER OF ASSORTED TYPES AND IN ASSORTED VOLUMES FOR OPERATIONS AT THE SPRABERRY FARM, FROM HELENA CHEMICAL COMPANY OF STANTON, TEXAS, AT AN ESTIMATED TOTAL COST OF \$115,000.00.

7. Adopted Resolution No. 2011-039. Caption of said resolution is as follows:

RESOLUTION NO. 2011-039

A RESOLUTION APPROPRIATING \$55,740.00 TO THE COMPUTER AIDED DISPATCH/AUTOMATED VEHICLE LOCATION SYSTEM (CAD/AVL) PROJECT FOR PAYROLL COSTS ASSOCIATED WITH CONVERSION OF DATA TO NEW CAD SYSTEM.

9. Adopted Resolution No. 2011-040. Caption of said resolution is as follows:

RESOLUTION NO. 2011-040

A RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH FASKEN LAND AND MINERAL, LTD. FOR DEVELOPMENT OF VINEYARD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF HOLIDAY HILL ROAD, APPROXIMATELY 3/4 OF A MILE NORTH OF MOCKINGBIRD LANE); AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$38,059.00 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE.

10. Adopted Resolution No. 2011-041. Caption of said resolution is as follows:

RESOLUTION NO. 2011-041

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM COMMUNITY NATIONAL BANK FOR OWNER OCCUPIED HOUSING ASSISTANCE PROGRAM TO THE HOME INVESTMENT PARTNERSHIP PROGRAM RESERVATION SYSTEM PARTICIPATION PROGRAM; THE GRANT AWARD IS IN THE AMOUNT OF 5,000.00; THE AWARD IS A MATCHING FUNDS GRANT AND WILL BE UTILIZED FOR RECONSTRUCTION PROJECT COSTS FOR THE CITY'S OWNER OCCUPIED HOUSING ASSISTANCE PROGRAM; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS; AND APPROPRIATING GRANT FUNDS THEREFOR.

12. Adopted Resolution No. 2011-042. Caption of said resolution is as follows:

RESOLUTION NO. 2011-042

A RESOLUTION AUTHORIZING THE EXECUTION OF RELEASE OF LICENSE WITH PERMIAN PLAZA, L.L.C.

13. Adopted Resolution No. 2011-043. Caption of said resolution is as follows:

RESOLUTION NO. 2011-043

A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF RIGHT TO REPURCHASE REGARDING THE VACATED PORTION OF NORTH PECOS STREET RIGHT-OF-WAY BETWEEN WEST ILLINOIS AVENUE AND WEST OHIO AVENUE.

14. Adopted Resolution No. 2011-044. Caption of said resolution is as follows:

RESOLUTION NO. 2011-044

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL SMITH & COOPER, INCORPORATED, SO AS TO INCLUDE THE DESIGN, ASSISTANCE WITH BIDDING AND PERFORMANCE OF CONSTRUCTION ADMINISTRATION ON THE PROPOSED CITIZEN'S COLLECTION STATION TO BE LOCATED ONE BLOCK NORTH OF THE INTERSECTION OF SMITH ROAD AND VETERANS AIRPARK LANE IN MIDLAND, TEXAS; AND APPROPRIATING \$56,700.00 THEREFOR; THE ORIGINAL AGREEMENT WAS FOR \$210,470.00; THIS AMENDMENT WILL BRING THE TOTAL AGREEMENT PRICE TO \$326,272.00.

15. Adopted Resolution No. 2011-045. Caption of said resolution is as follows:

RESOLUTION NO. 2011-045

A RESOLUTION AWARDDING THE "TANKS EVALUATION AND REHABILITATION/COATING PROJECT" WATER TOWERS TO PARKHILL SMITH & COOPER, INCORPORATED; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH PARKHILL SMITH & COOPER, INCORPORATED, FOR THE COMPLETION OF SAID PROJECT; AND APPROPRIATING FUNDS.

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

8. Council Member Sparks asked for clarification as to why certain items were being deferred. City Engineer Beard noted that of the four items, paving, curb & gutter, sidewalk, and fire hydrant, he recommended that they all be deferred except for the fire hydrant which is a matter of public safety. He noted that the surrounding properties were not paved and did not have curb and gutter or sidewalks and it would be better to wait and complete those items when they would be installed in the surrounding area.

A discussion ensued about fire hydrants and whether surrounding neighbors could participate in the cost.

Director of Development Services Crownover clarified that the easement for utilities of a sewer line on the alley would be included in the final plat and was not a part of this item.

It was determined that the property owner to the east had made no objections to a lay down on New Jersey Avenue as their entrance.

A discussion ensued about the Ordinance that was adopted in April of last year and how it should be interpreted.

Council Member Sparks moved to approve a request by Schumann Engineering Co., Inc. for South Park Addition (Section 5), to defer paving, sidewalk, curb and gutter, and deny request for deferral of the fire hydrant, and to waive the associated Public Improvement Guarantee, and amended the motion to show direction to city that there is a gentleman's agreement with the owner to the east that would allow for access off of New Jersey with a lay down type curb. This subdivision is generally located on the south side of New Jersey Avenue approximately 280' west of South Lamesa Road; seconded by Council Member Hailey. The motion carried by the following vote: AYE: Trost, Hailey, Perry, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Morales and Dufford.

11. City Attorney Stretcher stated that this is a joint alley use agreement with Permian Plaza which is a wholly own subsidiary of Basic. He noted that Basic or Permian Plaza LLC wants to assign this right of way license to Concho and they have proposed the following changes.

- Paragraph 1 – The license is currently for ten years. They would like two ten-year extensions. The first ten-year extension they would pay \$9,000 and the second ten-year extension they would pay \$10,000.
- Paragraph 6 - The way it is currently written it has to come back to the Council unless Basic assigns all of their interest. Concho would like it not come back to the Council and allows them to assign all or any of their interest with just notice to the City Manager.
- They would like basic language included that Basic has the absolute right to assign this Right of Way license to Concho or COG Realty or any of Concho's affiliates.
- They would like to be able to cancel upon 30 or 60 day notice to the City.

City Attorney Stretcher noted that these are common agreements that they city had entered into the past, and he had no hesitation recommending approval and felt it was a good project.

Mayor Pro Tem Trost moved to adopt Resolution No. 2011-046 with the amendments listed above; seconded by Council Member Hailey. The motion carried by the following vote: AYE: Trost, Hailey, Perry, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Morales and Dufford. Caption of said resolution is as follows:

RESOLUTION NO. 2011-046

A RESOLUTION AUTHORIZING THE EXECUTION OF A JOINT ALLEY USE LICENSE AGREEMENT WITH PERMIAN PLAZA, L.L.C.

**SECOND READINGS**

16. Interim City Secretary Turner read the caption of Ordinance No. 8876.

Council Member Hailey moved to approve the second and final reading of Ordinance No. 8876 in accordance with the Charter of the City of Midland; seconded by Mayor Pro Tem Trost. The motion carried by the following vote: AYE: Trost, Hailey, Perry, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Morales and Dufford.

Caption of said ordinance is as follows:

ORDINANCE NO. 8876

AN ORDINANCE ON SECOND READING CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1 AND THE NORTH 12 FEET OF LOT 2, BLOCK 1, WEST RIDGE, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH LOOP 250 WEST, APPROXIMATELY 1/4 MILE NORTH OF WEST 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. (FIRST READING HELD FEBRUARY 8, 2011).

17. Interim City Secretary Turner read the caption of Ordinance No. 8877.

Council Member Hailey moved to approve the second and final reading of Ordinance No. 8877 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

A discussion ensued about the sight triangle. Transportation Manager Gary Saunders noted that the sight triangle is 10' by 200' and that it will be monitored and adjustments will be made to the fence and landscaping as necessary.

The motion carried by the following vote: AYE: Trost, Perry, James, and Sparks. NAY: Hailey. ABSTAIN: None. ABSENT: Morales and Dufford. Caption of said ordinance is as follows:

ORDINANCE NO. 8877

AN ORDINANCE ON SECOND READING CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 25, BLOCK 10, BECKLAND TERRACE, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH MIDLAND DRIVE AND LOCKHEED 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. (FIRST READING HELD FEBRUARY 8, 2011)

18. Interim City Secretary Turner read the caption of Ordinance No. 8878

Council Member Hailey moved to approve the second and final reading of Ordinance No. 8878 in accordance with the Charter of the City of Midland; seconded by Mayor Pro Tem Trost. The motion carried by the following vote: AYE: Trost, Hailey, Perry, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Morales and Dufford. Caption of said ordinance is as follows:

ORDINANCE NO. 8878

AN ORDINANCE ON SECOND READING ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; REQUIRING AND AUTHORIZING THE POSTING OF APPROPRIATE SIGNS AT INTERSECTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION. (FIRST READING HELD FEBRUARY 8, 2011)

19. Interim City Secretary Turner read the caption of Ordinance No. 8879.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 8879 in accordance with the Charter of the City of Midland; seconded by Council Member Hailey. The motion carried by the following vote: AYE: Trost, Hailey, Perry, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Morales and Dufford. Caption of said ordinance is as follows:

ORDINANCE NO. 8879

AN ORDINANCE ON SECOND READING MAKING CERTAIN TRANSFERS IN VARIOUS FUNDS OF THE 2009-2010 FISCAL YEAR BUDGET AND MAKING CERTAIN BUDGET AMENDMENTS; AND ORDERING RECORDATION. (FIRST READING HELD FEBRUARY 8, 2011)

**PUBLIC HEARINGS**

20. Planning Division Manager Walker gave an overview of the item noting that the applicant is seeking a change in building materials because the property is largely invisible from any property except for the other retailers that are around it. The east elevation is proposed to be constructed of brick with a metal exterior above the brick. The front would be constructed of glass and metal and there would be a metal roof. The back of the building which faces the residential lots would be reduced to 15 feet from the previously approved 18 feet. The front of the building would be 20 feet tall and would slope towards the rear of the building. There would be no windows facing the alley or fence. He noted that no opposition was received and that the Planning & Zoning

Commission unanimously recommended approval and that staff is in support of the project.

Mayor Perry opened the public hearing at 10:48 a.m. There being no one present wishing to speak, the public hearing was immediately closed

Interim City Secretary Turner read the caption of Ordinance No. 8880.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 8880 in accordance with the Charter of the City of Midland; seconded by Council Member James.

A discussion ensued about whether this building was appropriate for the area and if the building materials were similar to other buildings in the area. Planning Division Manager Walker noted he felt it would be appropriate to support application because the building is largely hidden from most views.

A question was raised that if this item was approved, would it set a precedent for other metal buildings. Planning Division Manager Walker stated that he does not feel it would set a precedent and that any future requests would be based on the property's location and visibility.

The motion carried by the following vote: AYE: Trost, Hailey, Perry, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Morales and Dufford. Caption of said ordinance is as follows:

ORDINANCE NO. 8880

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 33B, BLOCK 3, BRIARWOOD ADDITION, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED NORTH OF BRIARWOOD AVENUE, APPROXIMATELY 250 FEET WEST OF MIDLAND 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.

21. Planning Division Manager Walker gave an overview of the item noting the request is for a Specific Use Permit without term for a wireless communication cell tower to be located in the southeast portion of the property. He stated that no letters of objection had been received and unanimous approval was received from the Planning and Zoning Commission.

Mayor Perry opened the public hearing at 10:59 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Interim City Secretary Turner read the caption of Ordinance No. 8881.

Council Member Hailey moved approval of the first of two readings of Ordinance No. 8881 in accordance with the Charter of the City of Midland; seconded by Council Member James.

Mayor Pro Tem Trost asked who the wireless carrier was.

Mike O'Neal, 790 Cypress St. Abilene, TX, noted that the primary user would be AT&T and that the secondary user was not yet determined.

The motion carried by the following vote: AYE: Trost, Hailey, Perry, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Morales and Dufford. Caption of said ordinance is as follows:

ORDINANCE NO. 8881

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 3B, BLOCK 43, FAIRMONT PARK ADDITION, SECTION 44, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY ¼ MILE NORTHEAST OF TREMONT AVENUE), WHICH IS PRESENTLY ZONED PD,

PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A WIRELESS COMMUNICATION TOWER; 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.

## MISCELLANEOUS

22. Presentation and discussion regarding 2010 Traffic Contact Report.

Police Chief Price Robinson presented the 2010 Traffic Contact report pointing out differences between the old and new reporting requirements and answered questions.

Discussion ensued about whether the numbers were proportionate, the reasons searches were conducted, that Midland collects more information than required, and how complaints were received and handled.

23. Discuss the City's legislative agenda in the 82<sup>nd</sup> Texas Legislature Regular Session 2011, including but not limited to Senate Bill Number 640, House Bill Number 1283 and the proposed Midland County Utility District.

City Attorney Stretcher reported that he and Council Members Hailey and Trost visited the capital and met with the water district lawyer and Representative Craddick and reviewed proposed legislation. He noted that Representative Craddick would be drafting the bill and would include the city's points.

He also reported on Representative Craddick's HB 1283 and addressed the need with Representative Craddick to increase the limit on the purchasing and procurement bill.

Mayor Pro Tem Trost commended City Attorney Stretcher for his work.

City Attorney Stretcher also reported on HB 564 relating to portable fire extinguishers in government-owned vehicles. A discussion ensued about the bill and how it could potentially affect the city.

Mr. Stretcher reported on other bills that he is currently watching.

24. Council Member Hailey moved to adopt Resolution No. 2011-047; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Trost, Hailey, Perry, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Morales, Dufford and James. Caption of said resolution is as follows:

### RESOLUTION NO. 2011-047

RESOLUTION AUTHORIZING THE EXECUTION OF A MUNICIPAL WATER CONTRACT WITH BANK OF AMERICA, TRUSTEE FOR ROBERT B. HOLT; BILL CHANCELLOR; TRACY L. CHANCELLOR; FLYNT CHANCELLOR, DEBORAH HEAD; DEMAR HOPSON; F. KIRK JOHNSON IV; AND MARSLAND JOHNSON; FOR THE PURPOSE OF EXTRACTING AND USING WATER FOR THE CITY'S POTABLE WATER USES AND FOR PURPOSES INCIDENTAL THERETO FROM THE FOLLOWING LABORS AND PARTS OF LABORS IN LEAGUE 248, HARTLEY COUNTY SCHOOL LAND, MARTIN COUNTY, TEXAS: SW/4 OF 1, S/2 OF 2, 3, 4, 5, N/2 OF 6, N/2 OF 7, 8, 9, 10, 11, 12; E/2 OF 13, NE/4 OF 19, 20 AND 21; THE TERM OF THE MUNICIPAL WATER CONTRACT IS APPROXIMATELY TWENTY-TWO (22) YEARS, WITH AUTOMATIC ONE-YEAR RENEWALS THEREAFTER UNTIL TERMINATED BY EITHER PARTY.

25. Consideration of appointments to various Boards and Commissions.

No appointments were made.

## RECESS/EXECUTIVE SESSION

26. Mayor Perry announced that the meeting would be recessed to the conference room for lunch.

27. Mayor Perry announced that pursuant to Texas Government Code Section 551.101, the Council would now hold an Executive Session, closed to the public, to discuss the following matters as permitted under the following Texas Government Code Sections:

Mayor Perry recessed the meeting at 12:01 p.m. It was anticipated that there would not be a quorum of the City Council for the next item that would be held at 1:30 p.m. with the Midland Development Corporation.

The MDC meeting was called to order at 1:45 p.m. A quorum of the City Council was not present for the following item:

28. Recess and Reconvene at approximately 1:30 p.m. at the Midland Chamber of Commerce, Midland Development Corporation Boardroom located on the 2<sup>nd</sup> floor of 109 North Main Street, Midland, to hold a workshop with the Midland Development Corporation Board of Directors to discuss and consider the Midland Development Corporation's Strategic Plan, economic development issues, target industries, necessary infrastructure, land acquisition and disposition, annexation issues, micro-lending issues and workforce issues, and to develop the priorities of the Midland Development Corporation for the upcoming year and for long-term planning.

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

PASSED AND APPROVED the 8th day of March, 2011.

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W. Wesley Perry, Mayor

ATTEST:

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Amy M. Turner, Interim City Secretary