

**MIDLAND CITY COUNCIL
MINUTES
August 16, 2011**

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 9:01 a.m., August 16, 2011.

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

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.

1. At 9:00 a.m., hold a public hearing for the purpose of allowing the public and other interested groups to make comments regarding the 2011-2012 City of Midland budget.

Mayor Pro Tem Trost opened the public hearing at 9:02 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

2. Consider Fiscal Year 2011-2012 budget.

City Secretary Turner read the caption of Ordinance No. 8930.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 8930 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Dufford, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Perry. Caption of said ordinance is as follows:

ORDINANCE NO. 8930

AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012, 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.

3. Consider an ordinance fixing the tax levy for the City of Midland, Texas, for the Fiscal Year beginning on October 1, 2011 and ending on September 30, 2012.

City Secretary Turner read the caption of Ordinance No. 8931.

Council Member Dufford moved that the property tax rate be increased by the adoption of a tax rate of \$0.47054, which is effectively an 1.09 percent increase in the tax rate and for approval of the first of two readings of Ordinance No. 8931 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, Dufford, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Perry. Caption of said ordinance is as follows:

ORDINANCE NO. 8931

AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2011 AND ENDING ON SEPTEMBER 30, 2012.

4. Consider the creation of the Midland County Utility District.

Council Member Hailey moved to adopt Resolution No. 2011-187; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Dufford, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Perry. Caption of said resolution is as follows:

RESOLUTION NO. 2011-187

A RESOLUTION OF THE MIDLAND CITY COUNCIL AUTHORIZING CONSENT FOR THE CREATION OF THE MIDLAND COUNTY UTILITY DISTRICT AS AUTHORIZED BY HOUSE BILL NUMBER 3111 PASSED DURING THE REGULAR SESSION OF THE EIGHTY-SECOND TEXAS LEGISLATURE

5. 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:

Section 551.071, Consultation with the City Attorney

Discuss litigation styled In re: Heritage Consolidated, LLC, et al; Case Number 10-36484 – HDH; Chapter 11; Jointly Administered; in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division.

Mayor Pro Tem Trost recessed the meeting to Executive Session at 9:06 a.m.

All of the business at hand having been completed, the meeting adjourned at 9:29 a.m.

PASSED AND APPROVED the 23rd day of August, 2011.

W. Wesley Perry, Mayor

ATTEST:

Amy M. Turner, City Secretary