

**MIDLAND CITY COUNCIL
MINUTES
January 10, 2012**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:00 a.m. on January 10, 2012.

Council Members present: Mayor W. Wesley Perry, 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).

Council Members absent: Council Member John James (District 3).

Staff members present: City Manager Courtney Sharp, City Attorney Keith Stretcher, Deputy City Manager Tommy Hudson, Assistant City Manager Jim Nichols, Deputy City Secretary SueAnn Reyes, General Services Director Robert Patrick, Utilities Director Stuart Purvis, Building Official Steve Thorpe, City Engineer David Beard, Public Information Officer Tasa Watts, and Transportation Manager Gary Saunders.

David Beard introduced Jeff Cohen, the new Assistant City Engineer.

1. Receive and discuss an update from Parkhill, Smith and Cooper regarding the State Highway 191 Water and Sewer Route Capacity Study.

Eric West of Parkhill, Smith and Cooper gave an overview of the Highway 191 Water and Sewer Route Capacity Study noting that a location had been identified for a booster pump station that was need for water pressure. He identified the water route line to serve the north side and looping possibilities to the 1788 interchange to prepare for what would come in the future.

Eric also discussed the sewer system and presented three options stating that option one was a \$4.3 million dollar sewer line that was a larger line with pretty significant depth that serviced a small window of service area. He stated option two serviced a larger area that could serve the whole watershed but was not as accessible and had a cost of \$5.5 million. He presented the final option of placing a lift station with smaller lines that were not so deep. He stated this was their preferred option with a \$1.4 million savings.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:57 a.m.

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:06 a.m., January 10, 2012.

Council Members present: Mayor W. Wesley Perry, 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).

Council Members absent: Council Member John James (District 3).

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, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 8, 17, 28, 29, 34, 28 (2nd time), 36, 41, 44, 45, 46, 28 (3rd time), 47, 48, 49, 50, 51, 52, 30, 31, 32, 33, 35, 37, 38, 39, 40, 42, 43, 53, 54.

OPENING ITEMS

1. Invocation - Father Frank Chavez, San Miguel Arcángel Catholic Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Recognition of the 2011 Christmas Parade of Lights float winners.

Council Member Hailey presented the 2011 Christmas Parade of Lights float trophies to Heritage Credit Union, Natural Gas Services and Insane Kustomz.
 - b. Receive presentation from Midland Retired Seniors Volunteer Program.

Council Member Trost received a representative check in the amount of \$2,281,717.92 from the Midland Retired Seniors Volunteer Program.
 - c. Receive Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association.

Council Member Dufford presented the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association to Finance Director Bob McNaughton.
 - d. Presentation to the 2011 Management Award Recipients.

Council Member Dufford presented the 2011 Management Awards to the following winners: Paul O'Neill, Marv Esterly, Morris Williams, Sharlett Chowning, Craig Matthews, Raymond Saddler, and Carolyn Schoolcraft.

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 was no one present wishing to speak.

CONSENT AGENDA

Council Member Trost moved to approve Consent Agenda items 5 - 27 excluding 8 and 17; seconded by Council Member Morales. The motion carried by the following vote: AYE: Morales, Trost, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

5. Approved a motion approving the following minutes:
 - a. Regular Minutes of December 13, 2011.
6. Approved a resolution approving appropriating funds from the Midland Development Corporation Unappropriated Fund Balance to be used for promotional purposes. (Finance)

RESOLUTION NO. 2011 - 323

RESOLUTION APPROVING THE MIDLAND DEVELOPMENT CORPORATION'S APPROPRIATION OF \$505,743.00 FROM THE FISCAL YEAR 2010-2011 BUDGET TO BE USED FOR PROMOTIONAL PURPOSES, AS AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE

7. Approved a resolution appropriating \$111,250 from the Hotel/Motel Fund (090) Unappropriated Fund Balance (5650) to the Midland Center Improvements Project (8979) for renovation to the Midland Center. (General Services)

RESOLUTION NO. 2011 - 324

RESOLUTION APPROPRIATING \$111,250.00 FROM THE HOTEL/MOTEL FUND TO THE MIDLAND CENTER IMPROVEMENTS PROJECT (8979)

9. Approved a resolution approving a contract for the installation of a new video board at Grande Stadium at the Scharbauer Sports Complex (General Services)

RESOLUTION NO. 2011 - 326

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE AND INSTALLATION OF A NEW VIDEO BOARD AT GRANDE COMMUNICATIONS STADIUM FROM DAKTRONICS, INCORPORATED, AT A TOTAL COST OF \$293,076.00

10. Approved a resolution approving a contract for control room upgrade at Grande Stadium at the Scharbauer Sports Complex. (General Services)

RESOLUTION NO. 2011 - 327

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE AND INSTALLATION OF VIDEO CONTROL ROOM EQUIPMENT AT GRANDE COMMUNICATIONS STADIUM FROM MEDIA SUPPORT GROUP, LTD., AT A TOTAL COST OF \$105,202.00

11. Approved a resolution approving a contract for control room upgrade at Citibank Ball Park at the Scharbauer Sports Complex. (General Services)

RESOLUTION NO. 2011 - 328

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE AND INSTALLATION OF VIDEO CONTROL ROOM EQUIPMENT AT CITIBANK BALL PARK FROM TSE SERVICES, LLC, AT A TOTAL COST OF \$80,754.00

12. Approved a resolution approving a contract for installation of rail pads at Citibank Ball Park at the Scharbauer Sports Complex (General Services)

RESOLUTION NO. 2011 - 329

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE AND INSTALLATION OF FIELD PADS AT CITIBANK BALL PARK FROM UCS, INCORPORATED, AT A TOTAL COST OF \$72,000.00

13. Approved a resolution approving the purchase of 1-John Deere 6430 cab tractor and 1-John Deere 550D utility tractor through HGAC from the John Deere Company for the Garage Division. (General Services)

RESOLUTION NO. 2011 - 330

RESOLUTION APPROVING THE PURCHASE OF A JOHN DEERE 6430 CAB TRACTOR AND A JOHN DEERE 550D UTILITY TRACTOR THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (HGAC) FROM JOHN DEERE CONSTRUCTION RETAIL SALES, OF MOLINE, ILLINOIS, AT A TOTAL COST OF \$73,378.00; AND THESE ITEMS WERE NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

14. Approved a resolution approving the purchase of a Leeboy model 645 motor grader through HGAC from Hi-Way Equipment Company for the Garage Division. (General Services)

RESOLUTION NO. 2011 - 331

RESOLUTION APPROVING THE PURCHASE OF A LEEBOY MODEL 635 GRADER THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (HGAC) AT A TOTAL COST OF \$141,975.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

15. Approved a resolution authorizing the execution of Terminal Rental Car and Service Agreement between Lewis Transportation Group, LLC dba Dollar Rent a Car/Thrifty Car Rental and the City of Midland at Midland International Airport. (Airport)

RESOLUTION NO. 2011 - 332

RESOLUTION AUTHORIZING THE EXECUTION OF A SERVICE CENTER

AGREEMENT WITH LEWIS TRANSPORTATION GROUP, LLC DBA DOLLAR RENT A CAR/THRIFTY CAR RENTAL AT THE MIDLAND INTERNATIONAL AIRPORT

16. Approved a resolution authorizing the execution of a Commercial Hangar Lease Agreement between Empire Airlines, Inc. and the City of Midland at Midland International Airport. (Airport)

RESOLUTION NO. 2011 - 333

RESOLUTION AUTHORIZING THE EXECUTION OF A COMMERCIAL HANGAR/GROUND LEASE AGREEMENT WITH EMPIRE AIRLINES, FOR THE USE OF CERTAIN LAND AT THE MIDLAND INTERNATIONAL AIRPORT

18. Approved a resolution transferring 4B funds to the Scharbauer Sports Complex Fund in the amount of \$120,340. (Community Services)

RESOLUTION NO. 2011 - 335

RESOLUTION AUTHORIZING THE APPROPRIATION AND ALLOCATION OF FUNDS FROM THE SCHARBAUER SPORTS COMPLEX SALES TAX FUND TO THE SCHARBAUER SPORTS COMPLEX OPERATING BUDGET IN ORDER TO PURCHASE A TELESCOPIC BOOM LIFT

19. Approved a resolution to assign a project number and allocate money from the General Fund for the design and construction of drainage and paving improvements for Mockingbird Lane from Mayfield Place to Whitman Drive. (Engineering)

RESOLUTION NO. 2011 - 336

RESOLUTION APPROPRIATING \$19,478 FROM THE GENERAL FUND (001) UNAPPROPRIATED FUND BALANCE (5650) TO THE MOCKINGBIRD PAVING AND DRAINAGE IMPROVEMENTS PROJECT (8977) FOR IMPROVEMENTS TO MOCKINGBIRD LANE FROM MAYFIELD PLACE TO WHITMAN DRIVE

20. Approved a motion of a request by Parkhill, Smith & Cooper for Devon Addition (Section 3), to approve items requested for deferral, and to waive the associated public improvement guarantee. This subdivision is positioned inside the City Limits generally located near the Midland Airport at the northeast corner of the intersection of FM 1788 and Younger Road. The total value of the deferrals is \$30,000.00. (Engineering)

21. Approved a resolution accepting \$10,893 from Midland College and appropriate of funds. (Fire)

RESOLUTION NO. 2011 - 337

RESOLUTION ACCEPTING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$10,893.00 FOR THE MIDLAND COLLEGE FIRE TRAINING PROJECT IN ORDER TO RECOGNIZE AND PROMOTE THE CITY OF MIDLAND FIRE DEPARTMENT AS THE REGIONAL CENTER FOR FIREFIGHTER AND EMS TRAINING

22. Approved a resolution appropriating funds to the Equipment and Technology Project in the amount of \$25,920. (Police)

RESOLUTION NO. 2011 - 338

RESOLUTION APPROPRIATING PROCEEDS FROM THE SALE OF OLD SERVICE WEAPONS AND COURT AWARDED WEAPONS IN THE AMOUNT OF \$25,920.00 TO THE MIDLAND POLICE DEPARTMENT; THE PROCEEDS WILL BE USED TO PURCHASE EQUIPMENT AND TECHNOLOGY ESSENTIAL TO THE LAW ENFORCEMENT FUNCTION FOR THE MIDLAND POLICE DEPARTMENT

23. Approved a resolution approving the execution of a Task Order Contract with Arcadis U.S., Inc. and appropriate funds. (Utilities)

RESOLUTION NO. 2011 - 339

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT TASK ORDER WITH ARCADIS U.S., INCORPORATED, FOR PROFESSIONAL GROUNDWATER EVALUATION SERVICES, AT AN ESTIMATED TOTAL COST OF \$287,600.00; AND APPROPRIATING FUNDS

24. Approved a resolution approving the execution of a Task Order Contract with Camp Dresser & McKee, Inc. and appropriate funds. (Utilities)

RESOLUTION NO. 2011 - 340

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT TASK ORDER WITH CAMP DRESSER & MCKEE INC, FOR PROFESSIONAL ENGINEERING SUPPORT SERVICES, AT AN ESTIMATED TOTAL COST OF \$466,912.00; AND APPROPRIATING FUNDS

25. Approved a resolution approving the funding of the Interlocal Agreement Between the City of Midland, the City of San Angelo and the City of Abilene as approved on April 8, 2011 and appropriate funds. (Utilities)

RESOLUTION NO. 2011 - 341

RESOLUTION APPROVING THE FUNDING OF THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIDLAND, THE CITY OF SAN ANGELO AND THE CITY OF ABILENE AS APPROVED ON APRIL 8, 2011 REGARDING LONG-TERM WATER SUPPLIES; AND APPROPRIATING \$125,000.00

26. Approved a resolution appropriating funds from general liability to the Atmos RRM project as reimbursement of consulting/legal fees. (City Manager)

RESOLUTION NO. 2011 - 342

RESOLUTION APPROPRIATING FUNDS FROM THE GENERAL LIABILITY SELF-INSURANCE FUND TO THE ATMOS RATE REVIEW MECHANISM PROJECT (8923) IN THE AMOUNT OF \$25,000.00; SAID FUNDS REPRESENT REIMBURSEMENT FROM ATMOS FOR CONSULTING/LEGAL FEES ASSOCIATED WITH THE STEERING COMMITTEE'S ANALYSIS OF THEIR RATE REVIEW MECHANISM COSTS; THERE IS NO IMPACT TO THE GENERAL FUND

27. Approved a resolution approving the termination of the Economic Development Agreement between the Midland Development Corporation and Sentry Pumping Units International, Inc. (Legal)

RESOLUTION NO. 2011 - 343

RESOLUTION APPROVING THE TERMINATION OF THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND SENTRY PUMPING UNITS INTERNATIONAL, INC.

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

8. Consider a resolution approving the purchase of 1-administrative car, 1-4WD Sport Utility Vehicle, 8-full size 1/2 ton regular cab pickups, 2-fullsize 1/2 ton extended cab pickups, 1-full size 3/4 ton regular cab pickup, 2-full size 3/4 ton RWD extended cab pickups, 1-full size 3/4 ton extended cab & chassis, 1-full size 1 ton dually crew cab pickup and 1-full size 1 ton heavy duty cab and chassis for the Garage Division. (General Services)

RESOLUTION NO. 2011 - 325

RESOLUTION APPROVING THE PURCHASE OF ONE (1) CAR, ONE (1) FOUR WHEEL DRIVE SPORT UTILITY VEHICLE, FOURTEEN (14) PICKUPS OF VARIOUS SIZES AND TWO (2) CAB & CHASSIS, FROM ROGERS FORD OF MIDLAND, TEXAS, AT A TOTAL COST OF \$381,014.00; AND OTHER LOWER BIDS ARE REJECTED IN FAVOR OF THE LOCAL BIDDER PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 271.9051

Following brief discussion regarding local preference laws, Council Member Morales moved to adopt Resolution No. 2011-325; seconded by Council Member Trost. The motion carried by the following vote: AYE: Morales, Trost, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

17. Approved a resolution approving an Interlocal Agreement with the Midland Emergency Communication District. (CISD)

RESOLUTION NO. 2011 - 334

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE MIDLAND EMERGENCY COMMUNICATION DISTRICT REGARDING THE PURCHASE AND MAINTENANCE OF 9-1-1 EMERGENCY SYSTEM RECORDING EQUIPMENT TO BE HOUSED AT THE CITY OF MIDLAND COMMUNICATIONS CENTER

It was noted that the item was posted with the wrong Resolution caption. City Attorney Stretcher recommended deferring the item to the next meeting when it could be posted correctly.

Council Member Dufford moved to defer until next meeting; seconded by Council Member Trost. The motion carried by the following vote: AYE: Morales, Trost, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

SECOND READINGS

28. Consider an ordinance on second reading on a request by Rodney Roberts for a zone change. (Planning)

ORDINANCE NO. 8959

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 2, GREEN HILL TERRACE, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTHEAST CORNER OF HOLIDAY HILL ROAD AND MOCKINGBIRDLANE) ; 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

City Secretary Turner read the caption of Ordinance No. 8959.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 8959 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, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

At the request of a member of the audience, Mayor Perry opened Agenda Item number 28 back up for reconsideration.

John Sullivan, 4707 Tattenham, reported that when they met with the developer they asked that their original plan be amended with a fence to separate their properties. He did have issue with the new design noting that the buildings have access to Pimlico which is not a street designed to come out of commercial development. He asked that the whole site be shifted 90 degrees so the only openings would be onto Mockingbird.

Discussion ensued noting this was not a planned district but a zone change. It was noted that the developer had previously left the meeting because this item had been approved.

Junior Urias, 5017 Pimlico, noted same concerns.

Council Member Dufford moved to defer the item to next meeting; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Morales, Trost, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

Council Member Dufford moved to reconsider Agenda Item number 28; seconded by Council Member Hailey. The motion carried by the following vote: AYE: Morales, Trost, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

Mayor Perry noted that the developer had returned to the meeting and reported that the neighbors were requesting restricted access on Pimlico.

Rodney Roberts, 4515 Bent Tree Trail, noted he had met with John Sullivan the previous week. He stated that he had no objection to turning the project as long as Pimlico could run behind his project.

Discussion ensued about whether Pimlico should be closed. City Engineer David Beard noted he would like Pimlico to remain open for emergency vehicle access.

John Sullivan, 4707 Tattenham, noted that the closest firehouse to the north and that opening Pimlico would not allow quicker access for emergency vehicles. He requested that Pimlico be closed to sequester their properties.

City Manager Sharp noted that staff recommends not close road for public safety reasons.

Alan Bennett noted he was a former firefighter/paramedic and stated that was no reason to keep Pimlico open.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 8959 in accordance with the Charter of the City of Midland with the amendment to approve the modification of the fence on the east side of Pimlico with no curb cuts on Pimlico with the exception of alley access on the north end of the development for utility access; seconded by Council Member Morales. The motion carried by the following vote: AYE: Morales, Trost, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

29. Consider an ordinance on second reading on a request by Midland Bible Church for a zone change. (Planning)

ORDINANCE NO. 8960

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 4, MAYFIELD PLACE ADDITION, 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 WHITMAN DRIVE, APPROXIMATELY ½ MILE NORTH OF MOCKINGBIRD LANE); 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

City Secretary Turner read the caption of Ordinance No. 8960.

Council Member Hailey moved to approve the second and final reading of Ordinance No. 8960 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, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

30. Consider an ordinance on second reading on a request by Gary Dawson for a Specific Use Permit Without Term for an accessory building for living or sleeping quarters. (Planning)

ORDINANCE NO. 8961

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF LOT 1, BLOCK 1, CAMELOT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF ELKINS ROAD, APPROXIMATELY ONE MILE NORTH OF BUSINESS INTERSTATE 20), WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR AN ACCESSORY BUILDING TO BE USED FOR LIVING OR SLEEPING QUARTERS; 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

City Secretary Turner read the caption of Ordinance No. 8961.

Council Member Hailey moved to approve the second and final reading of Ordinance No. 8961 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, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

31. Consider an ordinance on second reading on a request by Sonny Aguilar for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a lounge. (Planning)

ORDINANCE NO. 8962

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS 2 AND 3, BLOCK 27, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST OHIO AVENUE), 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 LOUNGE 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

City Secretary Turner read the caption of Ordinance No. 8962.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 8962 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, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

32. Consider an ordinance on second reading on a request by InSite Tower, LLC. Specific Use Permit without Term for a Wireless Communication System. (Planning)

ORDINANCE NO. 8963

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 2, BLOCK 5, NORTHLAND SHOPPING CENTER, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHEAST CORNER OF SCHARBAUER DRIVE AND NORTH "A" STREET), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, 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

City Secretary Turner read the caption of Ordinance No. 8963.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 8963 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, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

33. Consider an ordinance on second reading on a request by Matt Gallagher for a Specific Use Permit without Term for an accessory building for living or sleeping quarters. (Planning)

ORDINANCE NO. 8964

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF LOT 19, BLOCK 9, REPLAT OF BLOCK 9, 2 SECTION, MA-ND MAR TERRACE, CITY AND COUNTY OF MIDLAND, TEXAS GENERALLY LOCATED ON THE WEST SIDE OF STANOLIND CIRCLE, APPROXIMATELY 350 FEET EAST OF CESSNA DRIVE), WHICH IS PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR AN ACCESSORY BUILDING TO BE USED FOR LIVING OR SLEEPING QUARTERS; 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

City Secretary Turner read the caption of Ordinance No. 8964.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 8964 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, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

34. Consider an ordinance on second reading on a request by Mid-Cities Church 191 for Special Exception to the zoning code. (Planning)

ORDINANCE NO. 8965

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1, BLOCK 1, WESTLAKE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF STATE HIGHWAY 191 AND NORTH COUNTY ROAD 1275), BY PERMITTING A BUILDING TO EXCEED THE MAXIMUM HEIGHT LIMIT; 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

City Secretary Turner read the caption of Ordinance No. 8965.

Council Member Hailey moved to approve the second and final reading of Ordinance No. 8965 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, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

35. Consider an ordinance on second reading on a request by Larry Mills for a zone change from PD, Planned District for a Transition District. (Planning)

ORDINANCE NO. 8966

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 1, BLOCK 83, WEST END, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF WEST WALL STREET AND "J" 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

City Secretary Turner read the caption of Ordinance No. 8966.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 8966 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, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

36. Consider an ordinance on second reading on a request by SBC, L.P. for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District. (Planning)

ORDINANCE NO. 8967

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 4.68-ACRE PORTION OF THE REMAINDER OF LOT 1, BLOCK 6, WESTRIDGE PARK ADDITION, SECTION 6, 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 SOUTHEAST CORNER OF THE INTERSECTION OF CHAMPIONS DRIVE AND TRADEWINDS BOULEVARD); 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

City Secretary Turner read the caption of Ordinance No. 8967.

Council Member Hailey moved to approve the second and final reading of Ordinance No. 8967 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, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

37. Consider an ordinance on second reading amending currently adopted Energy Code to meet Texas state law requirements. (Code Administration)

ORDINANCE NO. 8968

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 12, "ENERGY CODE", SECTION 2, "CHANGES AND ADDITIONS TO ADOPTED ENERGY CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, SO AS TO REMOVE THE EXEMPTION FOR ADDITIONS, ALTERATIONS OR REPAIRS TO EXISTING RESIDENTIAL AND COMMERCIAL STRUCTURES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM FINE OR PENALTY OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

City Secretary Turner read the caption of Ordinance No. 8968.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 8968 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, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

38. Consider an ordinance on second reading on a City-initiated request to vacate a portion of E. Hamby Avenue and two alleys. (Planning)

ORDINANCE NO. 8969

AN ORDINANCE VACATING AND ABANDONING A 0.62-ACRE TRACT OF STREET AND ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 79, EAST MIDLAND ADDITION, AND BLOCKS 2 AND 4, GLENN FRANCIS 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 \$2,718.80; WAIVING THE FEE FOR THE COST OF THE RIGHT-OF-WAY; RETAINING A GENERAL UTILITY AND DRAINAGE EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

City Secretary Turner read the caption of Ordinance No. 8969.

Council Member Hailey moved to approve the second and final reading of Ordinance No. 8969 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, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

39. Consider an ordinance on second reading on a request by Andrew Mellen for the vacation of the 0.10-acre north/south alley and a 0.050-acre portion of the right-of-way of N. Marienfeld Street adjacent to the east half of Block 31A, Homestead Addition, City and County of Midland, Texas. (Planning)

ORDINANCE NO. 8970

AN ORDINANCE VACATING AND ABANDONING A 0.025-ACRE PORTION OF MARIENFELD STREET RIGHT-OF-WAY ADJACENT TO THE EAST HALF OF BLOCK 31A, AND A 0.099-ACRE NORTH/SOUTH ALLEY ADJACENT TO LOTS 1-8, BLOCK 31A, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF LOUISIANA AVENUE AND MARIENFELD STREET); ADOPTING THE APPRAISAL BY THE CITYMANAGER OF \$2,612.50; RETAINING A GENERAL UTILITY AND DRAINAGE EASEMENT; AND ORDERING RECORDATION BY THE CITYSECRETARY

City Secretary Turner read the caption of Ordinance No. 8970.

Council Member Hailey moved to approve the second and final reading of Ordinance No. 8970 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

Building Official Steve Thorpe noted that the acreage had changed.

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

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

40. Consider an ordinance on second reading on a request by Andrew Mellen for the vacation of a 0.55-acre portion of the right-of-way of Stonewall Street, a 0.17-acre portion of the right-of-way of Garden Lane, and a 0.14-acre portion of north/south alley right-of-way all adjacent to Block A, Montgomery Addition, City and County of Midland, Texas. (Planning)

ORDINANCE NO. 8971

AN ORDINANCE VACATING AND ABANDONING A 0.55-ACRE PORTION OF STONEWALL STREET RIGHT-OF-WAY, A 0.16-ACRE PORTION OF GARDEN LANE RIGHT-OF-WAY, AND A 0.14-ACRE PORTION OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY, ALL ADJACENT TO BLOCK "A", MONTGOMERY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF GARDEN LANE AND FAIRGROUNDSROAD); ADOPTING THE APPRAISAL BY THE CITYMANAGER OF \$3,740.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

City Secretary Turner read the caption of Ordinance No. 8971.

Council Member Hailey moved to approve the second and final reading of Ordinance No. 8971 in accordance with the Charter of the City of Midland; seconded by Council Member Trost. The motion carried by the following vote: AYE: Morales, Trost, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

41. Consider an ordinance on second reading on an amended annexation ordinance to indicate that a portion of the land proposed for annexation on the west side of FM 1788 and on the north side of SH 191 will remain in the city's extraterritorial jurisdiction due to the owners requesting an agricultural use exemption agreement with the City. (Planning)

ORDINANCE NO. 8972

AN ORDINANCE AMENDING ORDINANCE NO. 8925 OF THE CITY OF MIDLAND BY ATTACHING AN AGREEMENT EXECUTED BY THE CITY MANAGER OF THE CITY OF MIDLAND AND OWNERS OF APPROXIMATELY 309 ACRES OUT OF SECTION 37, BLOCK 41, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, PURSUANT TO SECTION 43.035 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING THAT THE PROPERTY SUBJECT TO SUCH AGREEMENT SHALL REMAIN IN THE CITY'S EXTRATERRITORIAL JURISDICTION; PROVIDING THAT, EXCEPT AS AMENDED, ORDINANCE NO. 8925 SHALL REMAIN IN FULL FORCE AND EFFECT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO FILE A COPY OF THIS ORDINANCE IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND THE CITY MANAGER IS HEREBY AUTHORIZED AND DIRECTED TO EXECUTE THE AGREEMENT

City Secretary Turner read the caption of Ordinance No. 8972.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 8972 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, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

42. Consider an ordinance on second reading on a request from the Texas Department of Transportation establishing a temporary construction speed zone of 60 miles per hour on a portion of Interstate 20 within the City Limits of Midland, Texas. (Transportation)

ORDINANCE NO. 8973

AN ORDINANCE ESTABLISHING A TEMPORARY CONSTRUCTION SPEED ZONE OF 60 MILES PER HOUR ON A PORTION OF INTERSTATE 20 FOR A STATE HIGHWAY IMPROVEMENT PROJECT BY THE TEXAS DEPARTMENT OF TRANSPORTATION; AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; 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

City Secretary Turner read the caption of Ordinance No. 8973.

Council Member Hailey moved to approve the second and final reading of Ordinance No. 8973 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, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

43. Consider an ordinance on second reading amending Title VIII, "Food Establishments, Health and General Sanitation", Chapter 6, "Garbage, Trash and Rubbish", Section 9, "Collection from Commercial Customers", of the City Code of Midland, Texas, so as to replace the explanatory paragraph of Table 1. Standard Commercial Locations: Three Yard Containers. (Solid Waste)

ORDINANCE NO. 8974

AN ORDINANCE OF THE CITY OF MIDLAND AMENDING TITLE VIII, "FOOD ESTABLISHMENTS, HEALTH AND GENERAL SANITATION," CHAPTER 6, "GARBAGE, TRASH AND RUBBISH," SECTION 9, "COLLECTION FROM COMMERCIAL CUSTOMERS" FOR CLARIFICATION; AND ORDERING PUBLICATION

City Secretary Turner read the caption of Ordinance No. 8974.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 8974 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, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

PUBLIC HEARINGS

44. At approximately 10:30 A.M. hold a public hearing and consider an ordinance on a request by Hamilton Williams for a Special Use Permit without Term for tire, battery and automotive accessory installation on the south 120 feet of Tract 4, Morningside, City and County of Midland, Texas. (Planning)

ORDINANCE NO. 8975

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE SOUTH 120 FEET OF TRACT 4, MORNINGSIDE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 880 FEET SOUTH OF SCHARBAUER DRIVE), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR TIRE, BATTERY AND AUTOMOTIVE ACCESSORY USE; 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

Planner, Brandon Melland gave an overview of the item noting that there would be no outdoor storage and no cars would be stored outside overnight. He reported they would be closed on Sundays. Staff recommended approval of the request and no letters of opposition had been received.

Mayor Perry opened the public hearing at 11:04 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

City Secretary Turner read the caption of Ordinance No. 8975.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 8975 in accordance with the Charter of the City of Midland; seconded by Council Member Trost. The motion carried by the following vote: AYE: Morales, Trost, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

DEVELOPMENT SERVICES

45. Consider an ordinance on a request by Los Conchos Ventures, LLC. for a zone change. (Planning)

ORDINANCE NO. 8958

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING

CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 19.71-ACRE TRACT OF LAND ("TRACT 1") WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT; BY PERMITTING A 12.97-ACRE TRACT OF LAND ("TRACT 2") WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN O-1, OFFICE DISTRICT; BY PERMITTING A 26.33-ACRE TRACT OF LAND ("TRACT 3") WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; BY PERMITTING A 60.84-ACRE TRACT OF LAND ("TRACT 4") WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS A 1F-2, ONE-FAMILY DWELLING DISTRICT; BY PERMITTING A 7.93-ACRE TRACT OF LAND ("TRACT 5") WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS A TH, TOWNHOUSE DISTRICT; BY PERMITTING A 6.33-ACRE TRACT OF LAND ("TRACT 6") WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS A TH, TOWNHOUSE DISTRICT; BY PERMITTING A 10.64-ACRE TRACT OF LAND ("TRACT 7") WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A TH, TOWNHOUSE DISTRICT; BY PERMITTING A 19.73-ACRE TRACT OF LAND ("TRACT 8") WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A 1F-2, ONE-FAMILY DWELLING DISTRICT; ALL OF SAID TRACTS BEING OUT OF SECTION 6, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS; ALL OF SAID TRACTS BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS MADE A PART HEREOF; SAID TRACTS ARE GENERALLY LOCATED SOUTH OF MOCKINGBIRD LANE, BETWEEN HOLIDAY HILL ROAD AND ORIOLE 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

Senior Planner, Jim Compton, noted this item had been deferred from the last meeting. He reported that a second meeting had been held with the developer. He reaffirmed that over 20 percent opposition had been received and that the item would require six affirmative votes to pass.

Eric West, of Parkhill Smith and Cooper, on behalf of the developer, reported on their meeting with the surrounding residents and gave an overview of changes made to the plan.

Georgia Corwin, 4516 Robin Lane, thanked the developer for their work with the neighborhood and asked questions about where the alleys would open.

Alan Bennett, 5001 Pimlico, noted he was appreciative of the developer and the concessions that have been given. He requested that the tract on the north end be switched with the tract on Holiday Hill. He noted his opposition to offices looking in their back yards.

City Secretary Turner read the caption of Ordinance No. 8958.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 8958 in accordance with the Charter of the City of Midland with the following two amendments: change Tract 7 from a Townhome District to a Planned District and require a 40-foot setback on Tracts 1 and 2; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Morales, Trost, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

46. Consider a motion approving a proposed preliminary plat of Greathouse Addition, Section 7, being a 155.99-acre tract of land out of Section 6, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Planning)

Senior Planner Compton gave an overview of the item noting that the plat is associated with the previous item. He noted this will establish the location of streets, alleys, lot sizes and orientations. He noted an amendment would be needed for the common area screening fence that was just approved with part of the zone change. Staff found that the preliminary plat meets all of the requirements.

Council Member Dufford moved to approve a motion approving a proposed preliminary plat of Greathouse Addition, Section 7, being a 155.99-acre tract of land out of Section 6, Block X, H.P. Hilliard Survey, City and County of Midland, Texas with the amendment to approve the two changes shown and the screening fence; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Morales, Trost, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

47. Consider a motion on a request from Bluestem Energy (Evan C #1) amending a Permit to drill an Oil and Gas Well within the City Limits located 1021' FNL and 2310' FWL, Section 8, Block "X" H.P. Hilliard Survey, Midland County Texas. (Development Services)

Oil & Gas Compliance Officer Ron Jenkins, gave an overview of the item

Council Member Dufford moved to approve a request from Bluestem Energy (Evan C #1) amending a Permit to drill an Oil and Gas Well within the City Limits located 1021' FNL and 2310' FWL, Section 8, Block "X" H.P. Hilliard Survey, Midland County Texas; seconded by Council Member Hailey.

Discussion ensued about overhead wires versus underground wires.

John Anderson of Blue Stem Energy reported that the electrical wires are now underground. He noted that they wish to move them above ground because the land developer is extending to the north and once all of the roads are in place, all electrical will be placed underground again.

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

48. Consider a motion on a request from Bluestem Energy (Evans G #1) amending a Permit to drill an Oil and Gas Well within the City Limits located 1650' FNL and 2310' FEL, Section 8, Block "X", H.P. Hilliard Survey, Midland Count, Texas. (Development Services)

Council Member Dufford moved to approve the request from Bluestem Energy (Evans G #1) amending a Permit to drill an Oil and Gas Well within the City Limits located 1650' FNL and 2310' FEL, Section 8, Block "X", H.P. Hilliard Survey, Midland Count, Texas. ; seconded by Council Member Trost. The motion carried by the following vote: AYE: Morales, Trost, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

49. Consider a motion on a request from Bluestem Energy (Evans H #1) amending a Permit to drill and Oil and Gas Well within the City Limits located 1650' FNL and 990' FEL, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Development Services)

Council Member Dufford moved to approve a request from Bluestem Energy (Evans H #1) amending a Permit to drill and Oil and Gas Well within the City Limits located 1650' FNL and 990' FEL, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas.; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Morales, Trost, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

50. Consider a motion on a request from Bluestem Energy (Evans I #1) amending a Permit to drill and Oil and Gas Well within the City Limits located 2310' FSL and 990' FEL, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Development Services)

Council Member Dufford moved to approve a request from Bluestem Energy (Evans I #1) amending a Permit to drill and Oil and Gas Well within the City Limits located 2310' FSL and 990' FEL, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas.; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Morales, Trost, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

51. Consider a motion on a request from Bluestem Energy (Evans J #1) amending a Permit to drill and Oil and Gas Well within the City Limits located 2322' FSL and 2310' FEL, Section 8, Block "X" H.P. Hilliard Survey, Midland County, Texas. (Development

Services)

Council Member Dufford moved to approve a request from Bluestem Energy (Evans J #1) amending a Permit to drill and Oil and Gas Well within the City Limits located 2322' FSL and 2310' FEL, Section 8, Block "X" H.P. Hilliard Survey, Midland County, Texas.; seconded by Council Member Hailey. The motion carried by the following vote: AYE: Morales, Trost, Sparks, Perry, Dufford, Hailey. NAY: None. ABSTAIN: None. ABSENT: James.

MISCELLANEOUS

52. Consider a motion appointing a Mayor Pro Tempore.

Council Member Dufford moved to appoint Council Member Jerry Morales as Mayor Pro Tem; seconded by Council Member Hailey. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, Dufford, Sparks. NAY: None. ABSENT: None. ABSTAIN: None.

53. Consider making appointments to various Boards and Commissions.

No appointments were made.

EXECUTIVE SESSION

54. 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 noted that there were no executive items to consider.

There being no other business to come before the City Council, the meeting was adjourned at 12:36 p.m.

PASSED AND APPROVED the 24th day of January, 2012.

W. Wesley Perry, Mayor

ATTEST:

Amy M. Turner, City Secretary