MIDLAND CITY COUNCIL
MINUTES
January 22, 2013

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ___ a.m. on January 22, 2013.

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 John Love (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 Sara Higgins, 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., January 22, 2013.

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 John Love (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 10:02 a.m.

1. Invocation - Rev. Pat Bryant, Travis Baptist Church

2. Pledge of Allegiance

PRESENTATIONS

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

   a. Receive presentation from Midland Retired Seniors Volunteer Program.

PUBLIC COMMENT

Trost arrived at 10:03 a.m.

None.

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 - 18 excluding 6, 16; seconded by Council Member Dufford.

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

5. Approved a motion approving the following minutes:

   a. Special Meeting of January 7, 2013.

   b. Regular Meeting of January 8, 2013.

7. Approved a resolution approving the purchase of 18 two wheel drive white police package SUVs and 1 four wheel drive red police package SUV for the Garage Division. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 017

RESOLUTION AUTHORIZING THE PURCHASE OF NINETEEN (19) POLICE PACKAGE SPORT UTILITY VEHICLES FROM THE SOLE BIDDER, CALDWELL COUNTRY CHEVROLET, OF CALDWELL, TEXAS, AT A TOTAL COST OF $516,296.00.

8. Approved a resolution approving an agreement with Icon Enterprises, Inc.,dba CivicPlus, Inc. for the redesign and implementation of the City of Midland's website for

the Communications and Information Systems Department. 5787-13 (GENERAL SERVICES)

RESOLUTION NO. 2013 - 018

RESOLUTION APPROVING THE AWARD OF A 1-YEAR RENEWABLE PROFESSIONAL SERVICES AGREEMENT WITH ICON ENTERPRISES, INCORPORATED, DBA CIVICPLUS, INCORPORATED, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES, FOR THE RE-DESIGN AND IMPLEMENTATION OF THE CITY OF MIDLAND'S WEBSITE AT A TOTAL FIRST-YEAR COST OF $49,918.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A STATE OF TEXAS COOPERATIVE PROGRAM

9. Approved a resolution authorizing the execution of the second amendment to the land lease with W-T Hangar, LLC at the Midland International Airport. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2013 - 019

RESOLUTION AUTHORIZING THE EXECUTION OF THE SECOND AMENDMENT TO THE LAND LEASE WITH W-T HANGAR, LLC AT THE MIDLAND INTERNATIONAL AIRPORT; THE ORIGINAL LEASE WAS AUTHORIZED BY RESOLUTION NO. 2012-178 AND ADOPTED BY THE MIDLAND CITY COUNCIL ON JUNE 12, 2012; THE FIRST AMENDMENT WAS AUTHORIZED BY RESOLUTION NO. 2012-371 ADOPTED BY THE MIDLAND CITY COUNCIL ON NOVEMBER 13, 2012

10. Approved a resolution authorizing staff to accept a standard drainage easement in the Wydewood Estates Addition (Section 32). (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 020

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GENERAL DRAINAGE EASEMENT LOCATED ON LOT 15A, BLOCK 26, WYDEWOOD ESTATES, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

11. Approved a resolution authorizing staff to accept an off-site utility easement serving the Heritage Oaks Addition – Section 2. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 021

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.32-ACRE UTILITY EASEMENT LOCATED IN SECTION 25, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

12. Approved a resolution authorizing the execution of a Public Improvement Development Agreement in the amount of $102,036 with Mockingbird Oaks Development, LLC (Mike Jackson) for the utility and drainage improvements to serve the Los Patios Addition. Said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 022

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH MOCKINGBIRD OAKS DEVELOPMENT, LLC

FOR DEVELOPMENT OF LOS PATIOS ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF BRIARWOOD AVENUE AND HOLIDAY HILL ROAD); AND ALLOCATING AND APPROPRIATING FUNDS IN THE AMOUNT OF $102,035.00 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

13. Approved a resolution authorizing the execution of a Public Improvement Development Agreement in the amount of $98,552 with DR Horton-Texas, Ltd (Don Allen) for the construction of the west side of Avalon Dr. south of Westridge Park – Section 23 (Chevron site) to serve the Legacy Addition. Said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 023

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH DR HORTON-TEXAS, LTD. FOR DEVELOPMENT OF LEGACY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTH OF DEAUVILLE BOULEVARD AND WEST OF THE LEGENDS PARK DEVELOPMENT); AND APPROPRIATING FUNDS IN THE AMOUNT OF $98,552.00 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

14. Approved a resolution to approve a contract between the City of Midland and Midland Development Corporation and to accept funds in the amount of $6,000,000 for the extension of Tradewinds Blvd. and the associated drainage and utility improvements between Thomason Dr. and the Gateway Plaza Addition. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 024

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE CITY OF MIDLAND FOR THE EXTENSION OF TRADEWINDS BOULEVARD AND THE CONSTRUCTION OF ASSOCIATED DRAINAGE AND UTILITY IMPROVEMENTS BETWEEN THOMASON DRIVE AND THE GATEWAY PLAZA ADDITION, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE; AND APPROPRIATING FUNDS THEREFOR.

15. Approved a resolution authorizing the execution of a Public Improvement Development Agreement in the amount of $46,374 with SBC, LP (Doug Henson) for the construction of the west side of Avalon Dr. south of Deauville Dr. to serve the Westridge Park Addition – Section 23 (Chevron site). Said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 025

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH SBC, LP FOR DEVELOPMENT OF WESTRIDGE PARK ADDITION, SECTION 23, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED WEST OF AVALON DRIVE, SOUTH OF DEAUVILLE BOULEVARD); AND APPROPRIATING FUNDS IN THE AMOUNT OF $46,374.00 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

17. Approved a resolution authorizing the Department of Utilities to cause to be published, in the Midland Reporter Telegram, allnNotices required pursuant to Chapter 26 of the Texas Parks and Wildlife Code of a public Hearing regarding the City's intent to execute a Temporary Right-of-Way License with Oncor Electric Delivery Company, L.L.C, across a portion of Windlands Park. (UTILITIES)

RESOLUTION NO. 2013 - 027

RESOLUTION AUTHORIZING THE DEPARTMENT OF UTILITIES TO CAUSE TO BE PUBLISHED, IN THE MIDLAND REPORTER TELEGRAM, ALL NOTICES REQUIRED PURSUANT TO CHAPTER 26 OF THE TEXAS PARKS AND WILDLIFE CODE OF A PUBLIC HEARING REGARDING THE CITY'S INTENT TO EXECUTE A TEMPORARY RIGHT-OF-WAY LICENSE WITH ONCOR ELECTRIC DELIVERY COMPANY, L.L.C., ACROSS A PORTION OF WINDLANDS PARK; AND DIRECTING THE UTILITIES DIRECTOR TO COMPLY WITH ALL REQUIREMENTS OF CHAPTER 26 OF THE TEXAS PARKS AND WILDLIFE CODE

18. Approved a resolution approving the Westwood Shell Water Tower Lease Agreement with New Cingular Wireless, PCS, LLC. (CISD)

RESOLUTION NO. 2013 - 028

RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, L.L.C., FOR SPACE AT THE WESTWOOD SHELL AVENUE WATER TOWER SITE; SAID NON-RENEWABLE LEASE AGREEMENT SHALL BE FOR A TERM OF FIVE (5) YEARS WITH A MONTHLY RENTAL OF $2,500.00

6. Approved a resolution appropriating funds and approving a contract for the construction of a maintenance building addition, new storage building and soil storage bins and rejecting all bids received for the batting cage facility at the Scharbauer Sports Complex. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 016

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH WALDROP CONSTRUCTION COMPANY, INCORPORATED, FOR THE CONSTRUCTION OF AN ADDITION TO THE MAINTENANCE BUILDING PLUS THE CONSTRUCTION OF A NEW STORAGE BUILDING AND SOIL STORAGE BINS AT THE SCHARBAUER SPORTS COMPLEX AT A COST OF $484,285.00; AND ALLOCATING FUNDS; AND REJECTING ALL BIDS RECEIVED FOR THE CONSTRUCTION OF AN INDOOR BATTING CAGE FACILITY

Trost trying to understand bid tab. company put in bid for a certain amount of money but reduced by $99,000. Regina Stephenson, if they received both of the projects maintenance and storage there would be one cost for both. Tina this is reason bid project in hopes of getting bids like that enables to do additional work at lower price. Trost surprised others didn't bid same way. Tina so were we. Trost next letter say bids came in quite a bit higher than what was budgeted for and curious where difference may have come from. Tina mainten approved in 2012 budget 6 month sprior to fiscal year beginning number that 4b board would have been $250,000. Two years ago that might have been feasible but not today. Same could be said for batting cage the numbers came in higher than anticipated.

Council Member Sparks moved to adopt Resolution No. 2013 - 016; seconded by Council Member Morales.

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

16. Approved a resolution to accept training funds from Midland College and appropriation of the funds (FIRE)

RESOLUTION NO. 2013 - 026

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

Trost wording issueing consider a resolution accepting what accepting. Courtney State sends grant dollars and we are accepting from Midland college and appropriating for budget process.

Morales Midland as the regional center for fire fighter training are we always. Courtney doing 8-9 years. Price if college doesn't benefit from training hours they would receive less money so they are benefitting as well as city. James how much time spend training? courtney not specific course have trianing division with Fire Department and they put together various training courses throughout the year, approx 40 hours per fire fighter in various trianings.

Council Member Morales moved to adopt Resolution No. 2013 - 026; seconded by Council Member Sparks.

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

SECOND READINGS

19. Consider an ordinance on second reading on a request by Chris Vore for a zone change from C-3, Commercial District to PD, Planned District for a Housing Development on a 5.00-acre tract of land out of Blocks 84 and 85, East Midland Addition, City and County of Midland, Texas. (Generally located on the west side of North Fairgrounds Road, approximately 950 feet south of East Golf Course Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9094

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 5.00-ACRE TRACT OF LAND OUT OF BLOCKS 84 AND 85, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED C-3, COMMERCIAL DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE WEST SIDE OF FAIRGROUNDS ROAD, SOUTH OF GOLF COURSE ROAD); 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

Deputy City Secretary Reyes read the caption of Ordinance No. NUMBER>.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9094 in accordance with the Charter of the City of Midland; seconded by Council Member James.

Love in staff applications the exhibits A through C not labeled want to be sure which exhibits are A, B, and C. Cameron Walker, A site plant B elevation and C elevations. Love this ordinance has verage that fence may be constructed in two phases but received notification that developer would do entire fence. Cameron that ordinance needs to be amended to say either nothing or change language. Love prudent to amend to require building compelte fence in phase one. is japplicant present.

Love asked applicant question John Dunn 701 B Technology Circle. Love wants to know incentives for developing phase two what will trigger devl. Mr. Dunn continuation of thriving economy. Love indicated there wan't a leasing office amenity but said you would dedicate on of the apartments to elasing office so comments in P&Z and staff comments were wanting cash flow to be prevailing before build second phase. How will loss of rental unit that will become leasing office affect debt service. Mr. Dunn it will not.

Love think District 2 and COM needs development in order to grow a prosper but concerned about this item with how presented with fact that certain things are based on economic decisions. Causes concern because don't see , besides great economy what is going to cause him to build the second phase and afraid this this apt complex won't have any ammenities ever. Reiterate comments tha tthis appears to be "low income housing". Don't know if case but would hate to deteriate and have bad situation in this complex. Other gen comment seen acouple of projects come in District 2 hope that developers city staff this Council and p&Z in eagerness to prmote dev and promote housing which need, don't take shortcuts in District 2 and hope that standards that City set forth and staff recommends will be adhered to for future developments. Perry, agree if have druthers would have all amenities but would lvoe to see amenities.

Morales agrees and made comments in frist reading. If waive hope that keep rental fees down as much as possible and that is reason willing to waive some ammenities, it is better looking tha tvacant lot and hope developer will beautify area.

James appreciate comments and conversation is instructive. Will this be a body that govern business model and we all do things based on economics. If going to be a body that starts to mold and hsape business models not sure want to be here. Appreciate and respect conversation about amenities and have a records that supports good dev in dsitric 2 a slipper slope in trying to regulate andget into economics.

Dufford our vote will send a message that articulated.

Keith way ord is written a fence is not required if want it need to require it by phase one. Need to make sure keep in mind ability to enforce that may want to think about no certificat eof occ until fence is built.

Council Member Love moved to approve the second and final reading of Ordinance No. 9094 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

thorpe asked if no final bldg inspection

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

Trost we have to be diligent that even though business mdoel we also have to decide weather asthetically if this is what the community wants no which district it goes into. He is more concerned not about financial but about asthetics that may transfer into negativity for tha tdistrict.

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

20. Consider an ordinance on second reading on a request by David Miller for a zone change from PD, Planned District for a Housing Development to an Amended Planned District on 14.05-acres out of Section 19, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located at the south side of West Wadley Avenue, approximately 450 feet east of Sunburst Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9100

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 14.05-ACRE TRACT OF LAND OUT OF SECTION 19, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED AT THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 450 FEET EAST OF SUNBURST 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

Deputy City Secretary Reyes read the caption of Ordinance No. NUMBER>.

Council Member Love moved to approve the second and final reading of Ordinance No. 9100 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

21. Consider an ordinance amending Title III. "Departments", Chapter 1, "Water Department", Section 2, "Rates", Subsection (A), "Customers Inside of City Limits", of the City Code of Midland, Texas, so as to clarify the rates charged for water and sewer

services; containing a cumulative clause; containing a savings and severability clause; and ordering publication; and the City Manager shall notify all customers outside the City limits as required by State law. (UTILITIES)

ORDINANCE NO. 9103

AN ORDINANCE AMENDING TITLE III, "DEPARTMENTS", CHAPTER 1, "WATER DEPARTMENT", SECTION 2, "RATES," SUBSECTION (A), "CUSTOMERS INSIDE OF CITY LIMITS," SUB-SUBSECTION 2., "SEWER RATES," OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO CLARIFY THE RATES CHARGED TO CUSTOMERS INSIDE THE CITY LIMITS FOR SEWER SERVICE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION; AND THE CITY MANAGER SHALL NOTIFY ALL CUSTOMERS OUTSIDE THE CITY LIMITS AS REQUIRED BY STATE LAW

Deputy City Secretary Reyes read the caption of Ordinance No. NUMBER>.

Council Member Love moved to approve the second and final reading of Ordinance No. 9103 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

James if watching everybody's water usage first quarter thwen does that start? If meter read of January 25 what is included in 3 months? Stuart Dec, Jn, Feb usage so Jan-Mar bill. Intent to throw out highest of three. Love water usage seasonabl and higher volume is that accurage to do this at this time. Stuart that's why do it this time of year. Morales this rate still getting alot of comment saobut how does it work are sitll marketing? Stuart all did was codify what charging didn't change anything. When do this come up with flow based rate the Council will codify and mail to all members before anything changes.

Dufford will do every year? stuart yes.

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

PUBLIC HEARINGS

22. At approximately 10:30 A.M. hold a public hearing and consider an ordinance on a request by Freedom Influence Group, LLC for a zone change from 2F, Two-Family Dwelling District to C-3, Commercial District on 3.395-acre tract of land out of Blocks 83 and 86, East Midland, City and County of Midland, Texas. (Generally located on the east side of Tilden Street, approximately 780 feet south of East Golf Course Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9105

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 3.395-ACRE TRACT OF LAND OUT OF BLOCKS 83 AND 86, EAST MIDLAND, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 2F, TWO-FAMILY DWELLING DISTRICT, TO BE USED AS A C-3, COMMERCIAL DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF TILDEN

STREET, APPROXIMATELY 780 FEET SOUTH OF EAST GOLF COURSE ROAD); 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 item 10:34 a.m. main reason for application from property owner is they have intended to and have submitted appliccation for mfgs mobile home park. code require any manaufactures park be 8 acres or greater. Their intent is to consolidate 2F portion in with plus or minus 6 acres whichw ill come at later date. Reason for change today is to match c3zonign to eazst. one loj from owner of pipeyard immediatley southern end of strip of land citing traffic as main concern. Comes with fav P&Z rec and staff concurs. Morales discussion zoning will recieve all site plans.

Love looking at discussion and staff comments one earlier concerns was ambiguity found in city code that requires SUP in any district and legal interpretation, the more restrictive would take hold. Then further comment by saying appearance tha tdev was avoiding SUP process on tru intent by rezoning. Have fiath in City Attorney interpretation of Code. If developer decides to litigate issue and wins ruling of not having to go through SUP process, is this only opportunity for public to comment on this issue. Cameron if the right to established a mfgd home park exists under C-3 zoning and proven through court system or whatever, then there would be no future notification to future owners of mgfd home park on that land because right would of been revoked. Love if approved and doesn't become developed then City will lose buffer that projtects this neighborhood for other allowable C3 uses. Cameron if strip is removed then all C3 uses would be used ont hat land. Love based on previous comments we're wanting developer to go through process and 2F can't have mobile home unless 8 acres or more. Was it not possible to portion of C3 and attach to existing 3F to allow him to then develop the whole lot. If this is changed to C3 and not developed then can put anything in C3 against neighborhood. Cameron applicant has a SUP application in our possession. It would be on Council agenda second meeting in February on appeal on blue piece of land and think 2F strip rezone depends on what going to do with blue piece. In his opinion change to C3 doesn't help if doesn't get goal he is after. He sees there is a second reading opportunity. Mayor why would you want to put mobile home to C3 anyway. Love why not change c3 to 2F.

Mayor Perry opened the public hearing at 10:41 a.m.

Roosevelt Campbell, 1412 E Park Street, have lived there on property for 40 years, raised family here they attending schools. We have united nation family and very proud of City. One problem had was whatever was negative has been lumped on their end of town even water runs that direction. Considers self Christain but this guy scaring hell out of him. If this goes through will not have any say in future wha twill be developed on that property. Afraid of a ton of people who are going to be on small property are going to empty on to his street or nearby. Property abuts ___ school and will ahve to be a high fence. Why would you want to build a mobile home in the nieghborhood he is chairman of neighborhood watch. Just checked out a reverse mortgage and does not want to see that ruined. Object to taking righ to comfort.

There being no one else wishing to speak, the public hearing was closed at 10:45 a.m.

Deputy City Secretary Reyes read the caption of Ordinance No. NUMBER>.

83, 85 86 can built a park without changing to yes. 10:48 a.m.

Love would like to ask applicant a question. Love want to be under one zone and want strip to go from 2F through c# but city reuqirire going through proces. Why not change to 2F to give 8 acres required by code. As long as 8 acres and go through SUP process would consider doing that. 10;50 a.m. would consider do that the process would take lots of time. Love concerns is losing buffer to neighborhood to go right next to neighbors. Brant Redowns 3600 10:50 a.m.

Dufford how wide is the strip. cameron slightly over 200 feet. James this has to go through SUP process regardless;correct? Cameron; yes. James if property owner and owned commercial piece of property which assuming 83, 86 and 85 are but hatched part is 2F. In this commercial district could put a pipeyard? yes Could put a materials processing plant that maybe grnads asphalt, Cameron no light mfg opportunities such as cabinet shop, repair cars autobody repair. James could only a few hundred feet doing all kinds of really awful stuff that I wouldn't want in my neighborhood.

Stretcher right no motion and second the application need sto know 6 month prohibition to do any rezoning of property and would hav eto apply to P&Z and would super majority 3/4 vote make rec to Council and Council would hav eto agree and then process would start. waiting at least 9 months maybe a year before get in fron to fcouncil. Remedy if applican sees not going ask that request be withdrawn. Council cannot do that on his own. Council limited to voting yes and no.

Mr. Morales another option is deferral and since coming up on appear on first reading at next meetin hwoever if deferred going to be in same position.

applicant willing to withdraw. Sparks applicnat no prohibited from asking for SUP on remainder of property and would have access to fairgrounds. If does not go through not restricted from making applicjation for SUP for remiander of property. Cameron a portion of 3.4 acres would have to be an access point would be a potential access point in 83, 85 and 86. Does 85 go all the wya to Fairgrounds road? Cameron yes joins fairgrounds road there could be more than one point of access. to the south is ROW at Benton Street. Morales would be at cos tof developer; cameron correct. Dufford as long as acces son fairgrounds road then nothing different than Blueridge limiting access to nieghborhood. strip of land to norht is utility easement. Love opposition received from Mr. Lewis his is western one. Onwer to east did not ge tnotice because not within 200 feet. The one on west was concern about traffic off of fairgrounds. Morales if applicant pulls applicjation. Stretcher he would reapply this afternoon or tomorrow; would he be charged another fee? yes unless waived.

S/L deny withdrawn

Council Member Sparks moved to accept applicants request to withdraw their application and waive fee to reapply ; seconded by Council Member Love.

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

23. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Chase Gardaphe for a Specific Use Permit without Term for a Manufactured Home Park on Lot 1, Block 1, Fairgrounds Addition, City and County of Midland, Texas. (Generally located on the east side of N. Fairgrounds Road, approximately 900 feet south of East Golf Course Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9106

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 1, FAIRGROUNDS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH FAIRGROUNDS ROAD, APPROXIMATELY 900 FEET SOUTH OF EAST GOLF COURSE ROAD), WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A MANUFACTURED HOME PARK; 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.

Planning Division Manager Walker gave an overview of the item noting 11:04 property has remained dormant for about a decode and purchased with intent or reviving and seeking zone change from AE District is zoned archicultural estate. reques tto approve SUP for mfgd home park. When first constructed there was substantial concerete wall placed along east side of fairgrounds rd adjacent to city row and series of pine trees planted to delineate property and provide shade. Mr Gardaphe wants to leave landscaping elements in palce along Fairgrounds Rd. which is substantial fence. When look at property north of land it is zoned AE there is a substnatial power line extending almost east west from property to north which amkes dev diff on that property. Mr. Gardaphe intends to provide city utilities into property and use main driveway across fairgrounds. Showed site plan showing rereation center at east en dof property near Midland Drw. community rental building and pool tha twill be isntalled and basketball court. No letters of objection on applicjation. Very minor issues under mfgd home park code there is a max of 7 units per acre. This property is requesting 7.3 units per acre. The pads that would be reused for location of tenants are already in place and therefore 7.3 already exists if home were on ground. Also required 25 foot set back from front property line and because fence is arleady in place and landscape app req 10 foot setback and staff supports. no letter of objection and rec from p7z from approval.

James does ordinance that regulates mfgd home parks give staff or council ability to evaluate lease documents? Council staff thinks it does. They have lease documents that staff thinks allowed to ask for under state regulations. James have conducted an evaluation of thsoe lease docs? Cameron yes. James any highlights? Cameron nothing jumped out as being a concern that needed to look into. James would be something you would look into? Cameron continued landscaping, condition of driveways, park whereever want to aprk. James any review of docs for what happens if check bounces? is that within authority? Cameron that would be questionable. Trost what that says in the ordinance? James what trying to get from Mr. Walker is weather or not within authority because it will be instructiv ein future and listen to transcapit of planning & Zoning discussion about bounced checks nad leasea and want to know if that's our gig.

Ken Van Dyne this is from state property code title 8 under landlord/tenant agreement. Our code is based upon state and state supercedes. chapter 94 concerning mfg home under gneeral provision and subchapter b lease agreement state does outlines specific items that hav eto be included in every lease agreement nad took it upon self city has right to deem additional info in title 5 of city code and under lease terms, term sof rental greement nad so forth. some are late charges fees charged to facility. Goes through list of about 20 items and also asked for terms of park, rules and regulations that want to look for code enforcement will it fall on park owner or code enforcement. City grants license to park owner for one year term and goes into individual or corporate name and ha sto abide by any guidelines that set out by City as well as state guidelines. James is it within perview to evaluate something like bounced check policy. James are fees something tha are base of request. Cameron no looking at 11:19.

Trost state requires this are required to be in all mfgd home lease. Cameron state doesn't say hav eto have basketball court, pool and other. Trost who amkes rules, you're saying we can go beyond that? Cameron yes there are permieters that are allowed to take into play. If you find we don't like that aspect of mobiel home park we're going to X whatever does that have to come to Council.

Mayor Perry opened the public hearing at 11:21 a.m.

John Newton, Newton Eng 4908 N Midkiff, rep Stonegate home mobile community. Worked closely with City staff code admin, fire, eng to develop site plan for site that inc comm as well as functionality. Stonegate mobile home community will consit of 172 spaces, bb court, swimming pool and relocation rel to city park, pedestrian access to park will be give. Entrance driveway will be reconstructed with 20 foot radiuses site repaved with 36 foot wide main drive and 30 foot drives to serve access space, fire lines at each end of street that was coord with fire dept, fire hydrants will be isntalled as recommended. Sewer line installed to serve each unit and connected to COm sewer main. Personally invited to view Mr. Gardaphe's mobile home parks in Houston area. Two viewed were very clean and nicely landscaped as shown in pictures. they run tight ship. Love because of fence and trees that are there and fact that nothing on either side of property of future dev estaff indicated that Mr. Gradaphe may be required in future to build sidewalks even though this app willbe waived in approved and want to mae sure asking that might have to build sidewalks in future are you away and is it alreright. Newton, yes sir. Stretcher the sidewalk is reuqired unless the Council defers or waives it. If Council wants it you can require it. The other thing is if required in future there is no enforcement mechanism you need to build in enforcement mech for sidewalks such as letter of credit or cert of occ. If let go by without enforcement mech on sidewalks can't make them build it. But if want to now is time to do it. Require letter of credit or require them.

Chase Gardaphe 415 w Wall, third generation involve din business starte dcby grandmother 35 years ago. Still continue to do this wife is third generation Midlander found piece of property and would like to breath life back into it and trying to put air into the tires. Very prideful of how run communities and make sure it is clean. Not a trailer park, do mfgd housing community tha tpeople are proud to be a part of. Love would you have problem with having a letter of credit with respective to sidewalk. Gardaphe asked with staff if built sidewalk would lead to nothing and channel traffic onto side of fairgrounds that's whya ccess to city park were suggesting a gated access so wouldn't

hav eto walk to front of community cross over entrance and exit to animal shelter and then cross over park rd where can wlak on interior of community directly into park on fence line. Have no problem if future development develops along fiarground and looking for a deferral don't fee l in best interest of community to walk down fairgrounds. If look on north side of property is substation would be sidewalk to no where. Sparks agrees with comments. Mayor likes idea that has keypay that from park can get into community but community can get outl.

There being no one else wishing to speak, the public hearing was closed at 11:31 a.m.

Trost its 7.3 untis per acre. Cameron per city SUP standards for mfgd home park any difference anywehre else? Cameron would hav eto look at existing mfgd home parks. What is requirement of code? Cameron 7.

Love in Ord Item K tenant storage optional his understanig is they are required. Cameron did indicate didn't want to hav estorage units in beginning? Love on another application it was indicated that storage facilities were required by code. Cameron is required by code. Love he is aksing for variance/ Cameron yes just like sidewalk. Cameron Mr. Gardaphe indicated that didn't want to put in storage at beginning, but if see things are being stored out in open it could b eput within a storage unit within each of the pad sites then have authority to direct bldg official to tlel him to put storage in. Morales who has final say Council or staff? Keith basically there is a bunch of deferrals incorporated into ord. The point trying to make you raised good issue about storage units and may be reuqired later but there is no mechanism to require. Can require development agreement and include sidewalks, if don't get money now or letter of credit. He is asking for waiver because if you don't get something now and courts will say you had your shots you could of required it and you waived it so don't ask us to help you out. We have our own amendment if you don't want to. What is craddick amendment could hve adopted impact fees couldn't require developers so visited with rep craddic applicable 395.081 of texas local gobt code and give council full authority at time of development or waive it,, build, pay ro waive. Morales only comment is don't have housing authority it sound like we havea housing authority over mfgd homes. Stretcher think Mr. James point the only way can require things that were being discussed is because the applicant is asking for deferrals and its all open and can request anything that is in th epublic interest. If abide by everything then would be very hard pressed to go into check reuqirements but since asking for deferrals then all on the tble.

Deputy City Secretary Reyes read the caption of Ordinance No. NUMBER>.

Perry one year term can revisit after one year particularly like storage units. Keith council can put whatever want to in ord but how would you enforce it. Mayor with yearly term do we have enforcement under that. Dufford can put in lease the guy that rents property can be required to put a storage facility.. Keith that would be private matter. State statute give Council as much authority as they want. Dufford how about osme of other properties are you putting up storage facilities and is it working to not have it? Chase Gardaphe right no in ord calls for 120 Cu ft storage unit 4x3x10. Would require actual storage unit get option to provide storage unit to lessee of lot. If they would like we are planning on working deal to get discounted storage unit that matched color of house. Duford you have deeds restriction, Chase restrictions have been refined over 35 years and a trade secret to keepign the community clean making sure everything looks

nice because if mow grass on first of month never any continuity throughout community that is reason we take care of all alndscaping. We've put in palce because seen what happens when you don't and taken steps and made adjustments tha truels will make sure it stays as very clean, nice great community that people rpoud to be a part of . as far as storage units some people don't need them then there is no palc ein having it. If people need them or if yard getting unruly then they step in to say you need to clean yard and find alternate place for items to be stored or have option of purchasing a storage unit. Trost need uniformity to have storage units all looking the same even if theya re small.

Love that being case don't mind granting deferrals on storage or sidewalks but would like to see enforcement mechanisms in case property changes hands or anything in future.

Council Member Love moved approval of the first of two readings of Ordinance No. 9106 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

motion died due to lack of motion

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

James, how much is letter of credit and on site doesn't concern as much as offsite

Any other item in tool box is bond letter of credit or cash is easiest to build on. Unelss modify development in some way unless it gets back in front of the development. wouldn't want to be walking on street with or without a sidewalk thats goes short distance. Not going to have sidealks anywher ein near future.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9106 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Morales knowing set time that sidewalks could be completed. is that an option. Jim Nichols if Council recalls did go through lengthy process did develop deferral process and addresses issues dealing with now. Do say in process tha tyou supported that some form of cash deposit is lone form of deferral mechanism we allow beause of difficulty and challenges with other mechanism. Also have challenge that further away from exisiting mechanism, if more than amile away it is down to zero and other items tha tlower deposit and issue that if time goes by refunded deposit if infrastructure is not involved. Could be addressed through current mechanism if council chooses. Mayor suggested that get through this one and hav efacts avialable at second reading.

Love looking at incresing the amount of residences on west side and there is a park down there so right no sidewalks are going no where but in the future that sidealks will be nec because pkids may not come out but someone from across the street may need sidewalk. think it would be amistake not to require a letter of credit should those sidewalks need to be isntalled. James other compelling arguement is received more requests for things on Fairgrounds Rd then at whole Council tenture. development is happening it's not an issue todya but it will be soon. Love asked about mechanism.

Strecher Mr. Nichols is talking aobut the Craddick amendment the Developer agreement.

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

24. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by Basin Burger House for an amended Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 1A, Block 29, Homestead Addition, Section 8, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of West Louisiana Avenue and North Colorado Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9107

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1A, BLOCK 29, HOMESTEAD ADDITION, SECTION 8, 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

Planning division Manager Walker provided an overview of the item noting property recently received C of O. already has been one SUP applied to property for 175 seats within bldg and outdoor building. Mr. Duke Edward and taken review of what has are there any letter sof objection. no letters of objection.

Morales oph 12:04 p.m. cph

Deputy City Secretary Reyes read the caption of Ordinance No. NUMBER>.

Council Member Trost moved approval of the first of two readings of Ordinance No. 9107 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Love went to Basin Burger last night had wonderful Veggie Burger. Question they are already serving alcohol. They do have a permit just changing time to expand hours. How does an applicant have a square footage and occupancy and then come back with differenet squre footage how did tha thppen. Cameron under construction when brought in application for 175 seats Mr. Edwards wnated to get SUP as quickly for available. Didn't add to floor area but now that seat calculation he can 250. We approved specifcally. Steve Thorpe building official. Changed patio area not footprint.

Cameron will provide answer on times. It says at end of line items unless otherwise perhobited by law.

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

MISCELLANOUS

25. Consider a proposed ordinance to replace Section 10-1-2 of the Midland City Code. The intent of the proposed ordinance is to clarify the permitting process and other regulations regarding parades and other special events. (CITY ATTORNEY'S OFFICE)

ORDINANCE NO. 9108

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER 1, "GENERAL TRAFFIC REGULATIONS", SECTION 2, "PERMIT REQUIRED FOR PARADES AND PROCESSIONS", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO CLARIFY THE PERMITTING PROCESS AND OTHER REGULATIONS RELATED TO SPECIAL EVENTS; CONTAINING A PROCESS FOR APPEALING THE DENIAL OF A PERMIT; CONTAINING A CUMULATIVE CLAUSE AND EXPRESSLY REPEALING ANY ORDINANCE OR PORTION THEREOF IN CONFLICT WITH THIS ORDINANCE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS ($500.00) AND NOT REQUIRING A CULPABLE MENTAL STATE; ESTABLISHING AN EFFECTIVE DATE OF MARCH 1, 2013; AND ORDERING PUBLICATION

Council Member James moved approval of the first of two readings of Ordinance No. 9108 in accordance with the Charter of the City of Midland with amendment to allow 2 of 3 of the Mayor, City Manager and City Attorney can make non subsnative changes to the application the application attached to the Ordinance; seconded by Council Member Sparks.

Deputy City Secretary Reyes read the caption of Ordinance No. NUMBER>.

Morales on any routes that are not identified here it can come before Council to approve. Strecher correct if crosses a RR crossing. Love what is a City sponsored event? if not a city event will be required to pay $650 to put insurance on. Stretcher tried to address that under defintions fo special event. If event is approved by Resolution of City council at time Council could waive ins requirement could waive app fee and clean up deposit or require it. Think it is important even if waives financial guarantee it is impotnat for permit to be issues so they know there is an event and ready to provide any assistance. Police Department provides escort for no cost and City absorbs costs. Keith Council approves resolution that says this is city sponsored event and can waive or not waive application fee, clean up deposit etc.

Love the railraod excellent idea of parades that cross railroads get permission from railroad doesnt' envision City council waviing that and want to make sure those organizations will be asisted in obtaining the necessary approvals from the RR cos. Keith the ord says traffic engineer will assist. Dufford indemnification holds the City harmless and that is one of the reasons even if Council waives financial requirements but hav ethem waive because of indeminity and release. Very importnat for release and indemnity for City's protection. James this attachment that gives us 10-1-2 if Midland Code no rpocession except in United States Army or Navy think we sitll have more than that Marines, Air Force. Mayor that is wha tis being cleaned up. Stretcher one thing

consider putting in minutes or amending the ordinance since putting the permit and app in ordinance you may wnat to give City manager Mayor authority to make non subnative clerical changes such as name sof department and so forth. Authorize someone to handle in the organization ot make clerical no subnative changes. Sparks could have City manager, City Attorney and Mayor and it would take two signatures out of the three to change it for no subsnative change.

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

26. Approved a motion appointing a Mayor Pro Tempore. (CITY MANAGER)

Council Member Trost moved to appoint Jeff Sparks as Mayor Pro Tem ; seconded by Council Member James.

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

27. Approved a motion making appointments to various Boards and Commissions.

Council Member James moved to reappoint Love, Douglas and Trost to MDC; seconded by Council Member Morales.

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

James/Morales 7-0 love, Douglas, Trost to MDC

EXECUTIVE SESSION

28. 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:

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