

**MIDLAND CITY COUNCIL
MINUTES
February 26, 2013**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on February 26, 2013.

Council Members present: Mayor W. Wesley Perry, Council Member Jerry Morales (At-Large), Council Member Scott Dufford (At-Large), Mayor Pro Tem 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., February 26, 2013.

Council Members present: Mayor W. Wesley Perry, Council Member Jerry Morales (At-Large), Council Member Scott Dufford (At-Large), Mayor Pro Tem 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

to 10:05 A.M.

1. Invocation - Pastor Doug Lamb, Fannin Terrace Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation to the Midland Police Department for earning their 7th Accreditation Award from the Commission on Accreditation for Law Enforcement Agencies, Inc.

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.

CONSENT AGENDA

Council Member Dufford moved to approve Consent Agenda items 5 - 21 excluding 6, 9, 10, 11, 13, 14, 15, 17, 18, 22; seconded by Council Member Sparks.

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

5. Approved a motion approving the following minutes:
 - a. Regular Meeting of February 12, 2013.
7. Approved a resolution rescinding Resolution 2013-016 for a contract for the construction of a new maintenance building addition, new storage building and soil storage bins at the Scharbauer Sports Complex and approving plans and specifications and authorizing re-advertisement for bids. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 063

RESOLUTION RESCINDING RESOLUTION NUMBER 2013-016 AWARDING A BID TO WALDROP CONSTRUCTION, FOR THE CONSTRUCTION OF A NEW MAINTENANCE BUILDING ADDITION, NEW STORAGE BUILDING AND SOIL STORAGE BINS AT THE SCHARBAUER SPORTS COMPLEX; AND APPROVING PLANS AND SPECIFICATIONS; AND AUTHORIZING THE RE-ADVERTISEMENT OF BIDS

8. Approved a resolution authorizing a contract for Lamesa Road Traffic Signal Improvements and appropriating funds for the Engineering Services Department. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 064

RESOLUTION AWARDDING A CONTRACT FOR THE CONSTRUCTION OF THE LAMESA ROAD TRAFFIC SIGNAL IMPROVEMENTS PROJECT TO WILLIS ELECTRIC COMPANY, LP, OF ABILENE, TEXAS, AT A TOTAL COST OF \$335,310.00; AND APPROPRIATING FUNDS; AND A TEN PERCENT CONTINGENCY

12. Approved a resolution authorizing the execution of a Land Lease Agreement for Airport Hangar Facility between Patterson Aviation LLC. and the City of Midland, Texas in Section 6, Lot 4B, Block 11, (Lease Tract #8) Midland International Airport, Industrial Park Addition, Midland County, Texas. (AIRPORTS)

RESOLUTION NO. 2013 - 068

RESOLUTION AUTHORIZING THE EXECUTION OF A LAND LEASE AGREEMENT WITH PATTERSON AVIATION, LLC FOR HANGAR DEVELOPMENT LOCATED ON A 0.30 ACRE TRACT OF LAND LOCATED IN LOT 4B, BLOCK 11, MIDLAND INTERNATIONAL AIRPORT, INDUSTRIAL PARK ADDITION, SECTION 6, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

16. Approved a resolution authorizing staff to accept an encroachment agreement with Oncor Electric Delivery Company LLC to encroach their easement on the east side of County Road 1250 to construct a water main. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 072

RESOLUTION AUTHORIZING THE EXECUTION OF AN ENCROACHMENT ON EASEMENT AGREEMENT WITH ONCOR ELECTRIC DELIVERY COMPANY LLC ("ONCOR") IN ORDER FOR THE CONSTRUCTION OF A WATER MAIN ALONG COUNTY ROAD 1250

19. Approved a resolution to amend the contract with Midland Development Corporation to extend the expiration date of the agreement with Agri Empresa to December 31, 2013 (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 075

RESOLUTION APPROVING AN AMENDMENT TO THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND AGRI-EMPRESA, LLC FOR THE CONSTRUCTION OF AN INTERMODAL RAIL FACILITY ON AN 81.04-ACRE TRACT OF LAND LOCATED IN SECTION 11, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

20. Approved a resolution to amend the contract with Midland Development Corporation to extend the expiration date of the agreement in connection with the development of the Market Street Paving and Water Utility Extension project to December 31, 2013 (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 076

RESOLUTION APPROVING AN AMENDMENT TO THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE CITY OF MIDLAND FOR THE MARKET STREET PAVING AND WATER LINE EXTENSION PROJECT, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

21. Approve a resolution to accept a FY2013 Grant Award in the amount of \$69,984 from the Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program and appropriate funds. (POLICE)

RESOLUTION NO. 2013 - 077

RESOLUTION ACCEPTING ADDITIONAL GRANT FUNDING FROM THE SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM IN THE AMOUNT OF \$69,984.00; THESE FUNDS WILL BE DIRECTED TO THE FISCAL YEAR 2013 HIGH INTENSITY DRUG TRAFFICKING AREAS GRANT PROJECT 7107; AND APPROPRIATING FUNDS

6. Approved a resolution providing for the redemption of the outstanding City of Midland, Texas Waterworks and Sewer System Junior Lien Revenue Bonds, Series 1999; and resolving other matters incident and related to the redemption of such bonds. (FINANCE)

RESOLUTION NO. 2013 - 062

RESOLUTION PROVIDING FOR THE REDEMPTION OF THE OUTSTANDING CITY OF MIDLAND, TEXAS, WATERWORKS AND SEWER SYSTEM JUNIOR LIEN REVENUE BONDS, SERIES 1999; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE REDEMPTION OF SUCH BONDS.

Love what happens to money left in Tex Cap> Mcnaughton, two options is go back to water/sewer operating fund or can go into capital projects funds for special water/sewer improvement fund. Love where does it say funds will come from TexCap. Keith does not have to be in ord.

Council Member Love moved to adopt Resolution No. 2013 - 062; seconded by Council Member Sparks.

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

9. Approved a resolution authorizing a contract for Lamesa Road Pedestrian Access Improvements and appropriating funds for the Engineering Services Department. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 065

RESOLUTION AWARDING A CONTRACT FOR THE CONSTRUCTION OF THE LAMESA ROAD PEDESTRIAN ACCESS PROJECT TO ENTRENCH, INCORPORATED, AT A TOTAL COST OF \$795,268.00; AND A FIFTEEN PERCENT CONTINGENCY

Council Member James moved to adopt Resolution No. 2013 - 065; seconded by Council Member Love.

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

10. Approved a resolution approving a contract for dry cleaning services for two (2) years for

the Police Department, Fire Department, Municipal Court, Garage and Water & Wastewater. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 066

RESOLUTION AWARDDING A 2-YEAR RENEWABLE SERVICE CONTRACT FOR DRY CLEANING SERVICES TO THE SOLE BIDDER, F&D INCORPORATED, DBA COMET CLEANERS AND LAUNDRY, OF MIDLAND, TEXAS, AT A TOTAL COST OF \$278,568.00

James last year what percentage increase. Patrick almost double.

Council Member James moved to adopt Resolution No. 2013 - 066; seconded by Council Member Love.

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

11. Approved a resolution approving the issuance of a Request for Qualifications for a Compensation Study for the Administrative Services Department. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 067

RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR FIRMS TO PROVIDE PROFESSIONAL CONSULTING SERVICES FOR A CLASSIFICATION AND COMPENSATION STUDY FOR THE CITY OF MIDLAND

Trost is this pertain to mgrs only or all mgrs? Catherine all employees. classification will be for non-public safety employees.

Council Member Dufford moved to adopt Resolution No. 2013 - 067; seconded by Council Member James.

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

13. Approved a resolution approving a revised Sublease Agreement with XCOR. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2013 - 069

RESOLUTION APPROVING A SUBLEASE AGREEMENT BETWEEN XCOR AEROSPACE, INC. AND TRACE ENGINES, L.P. REGARDING CERTAIN CITY-OWNED REAL PROPERTY LOCATED IN LOT 1, BLOCK 13, INDUSTRIAL PARK REGIONAL AIR TERMINAL, UNIT 12, MIDLAND, MIDLAND COUNTY, TEXAS

sparks pulle dto obtain.

Council Member James moved to adopt Resolution No. 2013 - 069; seconded by Council Member Trost.

Trost notice term of lease is almost over. Sharp Trace engines has hangar that XCOR will be taking over and wanted to fulfill needs of trace engines for a couple of more

months. ext of existing lease. Lease turned over to XCOR they have to have approval to sublet.

James trace now pay XCOR. correct. Payments go to? Marv split MDC and XCOR

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

14. Approved a resolution approving the City of Midland as a sponsor to the Annual United Blood Services Bloodgusher Run to take place at the Scharbauer Sports Complex. (COMMUNITY SERVICES)

RESOLUTION NO. 2013 - 070

RESOLUTION APPROVING THE CITY OF MIDLAND AS A SPONSOR FOR THE ANNUAL UNITED BLOOD SERVICES BLOODGUSHER RUN TO TAKE PLACE AT THE SCHARBAUER SPORTS COMPLEX

Sparks what does it mean when City is sponoring the event. What parts of new parade ord will they be adhering to and what are they not going to adhere to becasue citye vent. Tina adhring to all aspects of new ord but they are getting own insurance. sparks do we have list of event sthat they we think we will sponsor. Courtney have list have sponsored in past and will bring to Council.

Council Member Love moved to adopt Resolution No. 2013 - 070 with amendment to adhere to all requirements of Parade Ordinance except fees.; seconded by Council Member Dufford.

Keith if could would Council mind amending resolution saying do application, permit and insurance. Keith have 13 events listed on city's special event insurance and this will not be added to special list of 13. From now on when see city sponsored event will. waving fees Tina they are planning to do everything in acordiance with the Ordinance. Wes why do we need in resolution? Keith they say they are and want to get it in writing.

Keith reviewed 13 .. midland lee homecoming. toys for toys. race for wishes, 4th ofjuly sidewalk parade, miracle on .

wes only saying waviing fees but not waiving requirements of ordinance.

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

15. Approved a resolution approving a Right-of-Way License with Atlas Pipeline Mid-Continent WestTex LLC, in Block 37, Sections 4, 9, 16, 21, T3S, Midland County, Texas. This Right-of-Way License is proposed for a new 16" steel petroleum pipeline laid alongside to an existing Atlas Pipeline in an area on the City's Spraberry Effluent Farm. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 071

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE WITH ATLAS MID-CONTINENT PIPELINE WESTTEX LLC FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF AN OIL AND GAS PIPELINE TO BE

CONSTRUCTED ACROSS CITY PROPERTY LOCATED IN SECTIONS 4, 9, 16 AND 21, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member James moved to adopt Resolution No. 2013 - 071 with amendment to make contingent upon City Manager execution of the surface use agreement.; seconded by Council Member Trost.

Dufford understand don't have surface use agreement worked out with Atlas and add as part of motion make contingent upon CM executing surface agreement. Will we see surface use agreement Stuart 10:30.

Council Member Dufford moved to amend the motion by directing the City Manager work with Council Member Sparks on obtaining surface use agreement with Atlas; seconded by .; seconded by Council Member Love.

Dufford suggest that City manager work on getting the surface use agreement with Atlas. James if have to search for document it is important that it not be \$10/rod suggest was years ago. The problem experienced with sanitation and not raising rates seems to be reasonable \$10/rod is not the price. Courtney staff is working on that from surface use agreements to right of way licenses.

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

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

17. Approved a resolution to approve a Professional Service Agreement with Dunaway Associates for design surveying, design, and construction administration services in connection with the extension/widening of Mockingbird Lane between Holiday Hill Road and Midland Drive. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 073

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH DUNAWAY ASSOCIATES, LP FOR ENGINEERING SERVICES IN CONNECTION WITH THE EXTENSION AND WIDENING OF MOCKINGBIRD LANE BETWEEN HOLIDAY HILL ROAD AND MIDLAND DRIVE; AND APPROPRIATING FUNDS THEREFOR IN THE AMOUNT OF \$457,355.00

Trost same question same issue because bus surface when done need for bus pullouts ask be included in scope of work.

Council Member Sparks moved to adopt Resolution No. 2013 - 073; seconded by Council Member Trost.

Wes is the developer participation? David could be most already developed. difficult because putting in arterial street in part of city that is mostly developed.

James north side of Mockingbird go to edge but they fenced over row; correct? David could be encroachments but will jog road to south to not disturb fences and will need to

create an alley.

James make sure neighborhood is part of discussion now.

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

18. Approved a resolution authorizing the City Manager to advertise a Request for Qualification (RFQ) for firms to provide professional services to perform a traffic study and implementation. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 074

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES FOR THE DEVELOPMENT OF A TRAFFIC STUDY; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT FOR SAID SERVICES; AND PROVIDING THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL

James extent of downtown traffic study. Courtney, want to look at possibiliyt of turning one way streets into two way streets to help traffic flow and increase off street parking on downtown buildings. Also looking at examing if appropriate to put ____ in downtown area.

Council Member James moved to adopt Resolution No. 2013 - 074; seconded by Council Member Trost.

Trost this doesn't have anything to do with types of traffic does it? by certain types of vehicle snad wiehdgts. Gary same thing as required by development. looking at growth only traffic only.

James hope this doesn't prevent from making temp parking adjustments on streets such as Baird Street and others. Courtney no.

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

22. Receive presentation of the 2012 Midland Police Department Traffic Contact report by Dr. Alex del Carmen of Del Carmen Consulting, LLC. (POLICE)

Love just accepting this report? Courtney yes just accepting don't hav eto vote. Required to present report prior to March 1st. Keith no action needed presentation only.

Love many problems with report but will talk with Mr. Del Carment specifically. The report states no complaints of racial profiling and that is not unusual considering how difficult it is to make a complaint. Some of the data suggests that do hav ea problem. Alex Del Carmen come from an academic setting where opinions are cherished especially difference of opinions. Most of problems are with Texas Law as opposed to report because Texas Law does not require information you would like but would be happyt o analyze any data. this report testifies to fact tha tcomplied with Texas law one more time. W or n aggregate data will be happy to talk further. Love have no doub

complying with law does not mean there are not problems. Love do have challenges with the law but don't want public to think because report is accepted do not have problems. Del Carmen do not say racial profiling is not taking place but it does tell whether the ingredients are in place. Has the pd done everything to ensure that 10:47 a.m.

no further action was takne.

Courtney had on consent so could ask questions if needed following briefing. That is reason it is on consent but not needed to ote on.

Love the fact that received report and report has been made what is the next step to solve those problems? What can the COM do further to try to eradicate problems he sees. Courtney recommends meetin with him and police cheif to address concerns. Stretcher alsomight want to consider the repor tis minimum required under state law. If council wants the Council can require additional data reports and information. Council can dictate the access and availability of the forms. All of those items should be addressed quickly and put into place so when get new report next year we will have addressed those issues because at end of Feb. Love it is too difficult for citizen to make complain on racial profiling which is not surprising there are no complaints. Chief Police these are minimum requirements but can explain how department has gone above and beyond the minimum. The slide of percentages of contraband found came from recommendation from Mr. James.

SECOND READINGS

23. Consider an an ordinance on second reading on a request by Moriah Hospitality Midland, LLC for a Zone Change from LR-2, Local Retail District to PD, Planned District for a Shopping Center on Lot 4A, Block 52, Belmont Addition, Section 12, City and County of Midland, Texas. (Generally located on the north side of West Longview Avenue, approximately 790 feet east of Rankin Hwy.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9109

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 4A, BLOCK 52, BELMONT ADDITION, SECTION 12, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LONGVIEW AVENUE, APPROXIMATELY 790 FEET EAST OF RANKIN HIGHWAY); 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

Council Member Love moved to approve the second and final reading of Ordinance No. 9109 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Deputy City Secretary Moreno read the caption of Ordinance No. 9109.

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

24. Consider an ordinance on second reading on a request by Black Family Partnership for a zone change from LR-2, Local Retail District to PD, Planned District for a Shopping Center on the north 3.54-acres of Lot 30, Block 5, Greathouse Addition, Section 6, City and County of Midland, Texas. (Generally located between Holiday Hill Road and Spence Drive, approximately 200 feet north of Briarwood Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9110

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 3.54-ACRE TRACT OF LAND OUT OF SECTION 6, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED BETWEEN HOLIDAY HILL ROAD AND SPENCE DRIVE, APPROXIMATELY 200 FEET NORTH OF BRIARWOOD AVENUE; SAID 3.54-ACRE TRACT IS OUT OF THE NORTH HALF OF LOT 30, BLOCK 5, GREATHOUSE ADDITION, SECTION 6, BUT SAID LOT 30 HAS NOT BEEN REPLATTED); 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 Moreno read the caption of Ordinance No. 9110.

Council Member Love moved to approve the second and final reading of Ordinance No. 9110 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9110 in accordance with the Charter of the City of Midland; seconded by Council Member James.

Sparks questions for clarification on ord second page #2 item 7 talks about a large bldg requiring fire suppression. do we hve definition of large buidling. Steve can correct by saying the three 13,200 sq foot bldgs should be fire sprinkled. Keith applies to three buildings

Stretcher good idea because a planned district and they do trump all other ordinances so good point to put in there that three buildings over 12,000 suare feet.

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

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

25. Consider an ordinance on second reading on a request by K J Hotel for a zone change from 1F-3, One-Family Dwelling District to PD, Planned District for a Shopping Center on a 4.356-acre tract of land within Blocks 54 and 55 and the adjacent vacated streets and alley rights-of-way, Belmont Addition, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of E. Longview Avenue and S. Baird Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9111

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 4.356-ACRE TRACT OF LAND WITHIN BLOCKS 54 AND 55 AND THE ADJACENT VACATED STREET AND ALLEY RIGHTS-OF-WAY, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED 1F-3, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED ON THE NORTHEAST CORNER OF LONGVIEW AVENUE AND BAIRD STREET); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Reyes read the caption of Ordinance No. 9111.

Council Member Love moved to approve the second and final reading of Ordinance No. 9111 in accordance with the Charter of the City of Midland; seconded by Council Member James.

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

26. Consider an ordinance on second reading on a request by Fasken Oil and Ranch for a zone change from FD, Future Development District to O-1, Office District, on a 34.60-acre tract of land out of Section 13, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located at the west side of Holiday Hill Road, approximately 800 feet north of Sherwood Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9112

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 34.79-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF HOLIDAY HILL ROAD, APPROXIMATELY 800 FEET NORTH OF SHERWOOD DRIVE); 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 Moreno read the caption of Ordinance No. 9112.

Council Member Trost moved to approve the second and final reading of Ordinance No. 9112 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

27. Consider an ordinance on second reading on a request by John Gonzalez for a Specific Use Permit without Term for an accessory building for living or sleeping quarters on Lot 19, Block 3, Baumann Heights 1st Section, City and County of Midland, Texas. (Generally located on the south side of W. Louisiana Avenue, approximately 630 feet east of N. Midkiff Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9113

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF LOT 19, BLOCK 3, BAUMANN HEIGHTS 1st SECTION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOUISIANA AVENUE, APPROXIMATELY 630 FEET EAST OF NORTH MIDKIFF ROAD), 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

Deputy City Secretary Moreno read the caption of Ordinance No. 9113.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9113 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

28. Consider an ordinance on second reading making certain transfers in various funds of the 2011 – 2012 Fiscal Year Budget and making certain budget amendments and ordering recordation. (FINANCE)

ORDINANCE NO. 9115

AN ORDINANCE MAKING CERTAIN TRANSFERS IN VARIOUS FUNDS OF THE 2011-2012 FISCAL YEAR BUDGET AND MAKING CERTAIN BUDGET AMENDMENTS; AND ORDERING RECORDATION

Deputy City Secretary Moreno read the caption of Ordinance No. 9115.

Council Member James moved to approve the second and final reading of Ordinance

No. 9115 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

PUBLIC HEARINGS

29. At approximately 10:30 A.M. hold a public hearing and consider an ordinance on a request by Hilton Home 2 for a Zone Change from PD, Planned District for a Shopping Center to an Amended Planned District on Lot 1A, Block 7, Westridge Park Addition, Section 22, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Deauville Boulevard and Catalina Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9116

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 7, WESTRIDGE PARK ADDITION, SECTION 22, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF DEAUVILLE BOULEVARD AND CATALINA 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

city Planner Ken Van Dyne approved early for SUP for alcohol sales at hotel seeking to amend planned district approved in 2008. Hilton Homes looking to establish 93 unit hotel near Sports Complex. Will be 4 storys. max ht 55 ft. Sparks this is for hotel and fits with what us supposed to be in shopping center? Note for minutes hotel.

Mayor Perry opened the public hearing at 1:21 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Moreno read the caption of Ordinance No. 9116.

Council Member Trost moved approval of the first of two readings of Ordinance No. 9116 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

30. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Staybridge Suites for a Zone Change from PD, Planned District for a Shopping Center to an Amended Planned District on Lot 2A, Block 7, Westridge Park Addition, Section 22, City and County of Midland, Texas. (Generally located on the west side of Catalina Drive, approximately 320 feet south of Andrews Highway.

(DEVELOPMENT SERVICES)

ORDINANCE NO. 9117

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2A, BLOCK 7, WESTRIDGE PARK ADDITION, SECTION 22, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF CATALINA DRIVE, APPROXIMATELY 320 FEET SOUTH OF ANDREWS HIGHWAY); 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 Ken Van Dyne gave an overview of the item noting similar request to last item. Staybridge Suites in same area, 98 unit hotel max height 4 stories 60 feet in height. Elevations showed 3 story.

Mayor Perry opened the public hearing at 1:24 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Moreno read the caption of Ordinance No. 9117.

Council Member Trost moved approval of the first of two readings of Ordinance No. 9117 in accordance with the Charter of the City of Midland; seconded by Council Member James.

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

31. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by Midland SHS Development, LP for a Specific Use Permit with Term for the Sale of All Alcoholic Beverages, for On-Premises Consumption, in a bar, on Lot 8A, Block 3, Westridge Park Addition, Section 8, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Catalina Drive and Deauville Boulevard. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9118

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 8A, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF CATALINA DRIVE AND DEAUVILLE BOULEVARD), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR 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 Cameron Walker provided an overview of the item noting hours of operation 4:30 p.m. - Midland Monday through Saturday. no loj.

Mayor Perry opened the public hearing at 11:08 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Moreno read the caption of Ordinance No. 9118.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9118 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

32. At approximately 10:39 a.m. hold a public hearing to consider a 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 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 - 078

RESOLUTION AUTHORIZING THE EXECUTION OF A TEMPORARY RIGHT OF WAY LICENSE AGREEMENT WITH ONCOR ELECTRIC DELIVERY COMPANY, L.L.C., FOR THE INSTALLATION AND MAINTENANCE OF UNDERGROUND ELECTRICAL POWER LINES ACROSS THE SOUTHWEST PORTION OF WINDLANDS PARK IN MIDLAND, TEXAS; SAID UNDERGROUND ELECTRICAL POWER LINES WILL LINK THE CITY'S WINDLANDS PARK WATER RECLAMATION FACILITY TO THE NEAREST EXISTING UTILITY POLES WHICH ARE APPROXIMATELY EIGHT-HUNDRED-THIRTY FEET (830') WEST OF THE FACILITY

Utility Director Stuart Purvis available for questions. Trost this goes across park. Stuart to edge of ball fields from the soccer fields. Trost how long will it be torn up. Stuart trench up and bury very quickly.

Mayor Perry opened the public hearing at 1:27 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member James moved to adopt Resolution No. 2013 - 078; seconded by Council Member Trost.

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

33. At approximately 10:42 A.M. hold a public hearing and consider an ordinance on a request by Ronald "Shawn" Van Meter for a Specific Use Permit without Term for an

Accessory Building for Living or Sleeping Quarters on Lot 5, Block 6, Fannin Terrace Addition, Section Three, City and County of Midland, Texas. (Generally located on the south side of Shandon Avenue, approximately 180 feet east of Lanham Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9119

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF LOT 5, BLOCK 6, FANNIN TERRACE ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF SHANDON AVENUE, APPROXIMATELY 180 FEET EAST OF LANHAM STREET), 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

Senior Planner Ken Van Dyne gave an overview of the item noting for use for accessory living quarters and will not be available for renting out and will get in a deed restriction. Exterior material will match siding of existing structure. Received no loj.

wp oph 1:31 p.m.

Trost this is for his mother? Could be for afmaily member. cph 1:32 p.m.

Deputy City Secretary Moreno read the caption of Ordinance No. 9119.

Mayor Perry opened the public hearing at 11:08 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Trost moved approval of the first of two readings of Ordinance No. 9119 in accordance with the Charter of the City of Midland; seconded by Council Member James.

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

MISCELLANEOUS

34. Approved a motion directing staff to begin the process of annexation for a 105-acre tract of land located in Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the west side of Avalon Drive, approximately 1,000 feet south of Deauville Boulevard.) (DEVELOPMENT SERVICES)

Mayor noting his abstaining and left dais.

Cameron voluntary annexation by D.R. Horton as recall rectangular shape. 11:11 a.m. seeking direction to proceed or not to proceed. Dufford missed meeting on 12th. Some issues with plat that saw recently and the O&g wells that are already out there. It looks

like there are a lot of issues that weren't addressed at last Council Meeting before go forward. One issues is have Horton folks with mineral owners that could take place as result of mineral owners that are out there. Cameron Parkhill Smith and Cooper is present and completed work for client involving the preliminary plat and potential for housing. I see where lack of ingress/egress put pulling units up and down street and not be able to turn if want to drill another well on location and weather there is enough room. Flow lines might not have access. All for project but need to vet the issues before moving forward. Trost did we not have at last meeting rep from D.R. Horton there were meetings regarding traffic issues? Eric you were part of that don't know wha tminutes reflect discussion two weeks ago have looked at where trucks pull into sites and what Don mentioned then was tried based on sites would do that and follow up mor ethoroughly. Have meeting in last couple of weeks and have come up with a few changes we would propose as part of developing the property and accomodtae them better. What showed at time providing buffer once came backw ith final plat. 135 feet to structure 130 feet to public right of way. We would show would comply with that and would try to accomodate where show where existing flow lines are north and south adjacent to road come up with different way to make work. Discussed flow line access. Talking through to make better with them. Dufford do we know if locations on plat could be maneuvered around? Eric have had conversation with other drillers and is a similar requested by other drillers. don't kknow if it's adequate for drilling a well. Dufford another question if get oil and someones house, what ahppens? Are we far enough away? Eric cannot answer question but trying to operate with O&g ord. Preference is to develop surface without oil wells but no longer have that option. Dufford this is in County and operator has been operating under a differnet set of ruels. Other times you had operator and land people working together and not sure this has been addressed. Sparks you have met with the operator of those wells. eric yes. Ron Jenkins couple of things comment 135 feet is on a permitted well. These wells are in County and have not been permitted by City so could not address 135 foot 11:24 a.m. They requested 135 feet but didn't get that. In his opinion way to tight. Drilling mass is 160 feet if high wind will be on top of someone. In pulling unit situation extremely dangerous and it will get on houses at 135 feet. Keith not going to see these variance will have to address through the plat.

Mike Emmons, John president and Vice President. Were operating in development stage affects 100 acres. Have been in process since 2007-2008 and are trying to develop this for the mineral owner and own benefit. Knew the surface had been sold but never saw a plat of proposed use. Had a couple of phone conversation wtih D.R. Horton asking to quiet drilling rigs. Next thing saw plat had paid for row flow lines saw plat that has lots laid out over road over flow lines houses built on top of flow lines. Did visit with Eric and rep of D.R. Horton had one short meeting and did say could make adjustments. Butmore started to talk about operating logistics within 130 feet of house got confused as to how work. Operate 4 pumping wells are encompassed or directly adjacent to plat. Were subject to COM drilling ordinance to any new oeprations on that tract. Another question a lot of wells are going down to 20 acre spcing. What if wanted to buy a few lots and drill another well of tract and will be inv iolation of ord because can't get 500 feet froma house. Not against it but would like some more time to work on specifics. Trying to fiture out what to do to coexist.

Trost when look at ord is good for the goose is good for gander it is not equal between surface developers and oil operators. Not sure if don't do annexation at this point how long will it take how long delay project. Cameron it is 80-90 days. Courtney that's what

this agenda item is to start that time. You have ability to approve or disapprove so that's what this is to start the time. Trost next meeting is not until end of March so plenty of time to talk about issues but would like to see go ahead and start process.

Cmaerona the plat has conditionally been approved because need open space. Sparks could make a plat that didn't have alleys and needed to be noted on plat how to get pulling units in and what route would be taken to get trucks to and from and needed to get with operating to find out what the turning radius of a turning unit and enough to get there. Are roads capable of holding weights of trucks.

Trost would like to stop the conversation if tell will get together. Eric met after last council meeting and traded emails over last couple of weeks. Would say that at some point we have to completely come to full and complete agreement. Dufford think can move on with annexation process but will want to review the final plat before they approve the subdivision.

Sparks if make this approval is there still a vote before it is annexed? Stretcher Council still has a vote on the annexation. What Mr. Dufford is trying to put everyone on notice that the final plat will come back to the City council. You have already approved preliminary plat and there is a lot of discussion about streets and units getting in and out. Mr. Dufford will be won't be any permits until Council approves the final plat.

John asked if there is actually an operator living with 135 feet? Ron are there any developments at 135 feet? on Briarwood there is an Endeavor well the front has houses within 135 feet. It was not a permitted well.

Love will this 11:42 a.m. Keith will see process parallel are not making .

Cameron 11:43 the window of time has to be fine tuned within 90 days.

James there are a bunch of conversations going on simultaneously. The one germane is annexation and have not heard anyone say do not want to begin process. We revisit this part of O&G Ord as relates to unpermitted wells because unique situation. That will be smart thing to do because O&G Committee did not consider this portion. In keeping with spirit of O&G Ord what simply do is not do this final plat condition because gets into a whole other conversation of doing what ??11:46. Very politely insist that two parties get together and if can't come back with something then Council will decide. Not sure of final plat because sets uncomfortable precedent as well. Dufford this is unique situation and have to address. Should expect reasonable people to get together to work through then council will work through it. Looking for guidance from Mr. Stretcher. Stretcher when Mr. Dufford motion wasn't there discussion that minimum 5 acre minimum space not dedicated to Council. because of that the Council normally requires final plats to come back if there's a park or school district site. don't think it's a stretch to require this plat to come back because internally had a lot of discussion about Council accepting park land there are so many restrictions would call it open space. Council has never given P&Z authority to accept parks for the Council so not out of ordinary to require final plat. James do think developer suggested it but no direction from Council about this was a good idea. If final plat word was taken out of there would be comfortable with it. Atty If burden is on staff. Dufford sees all kinds of red flags with the

current plat. Dufford this is only chance we have to address this.

Sparks every other time has been drilling company and we have option to not grant permit. James say permit and are good. Love how do approve preliminary plat in something that is outside of COM? Cameron City has jurisdiction with 3 1/2 miles. 11:54. James would be providing direction to staff to not issue any permits. Courtney staff perspective more comfortable with Council looking at final plat. Trost not in favor of reviewing the final plat and have 90 days to stop it if they can't come to an agreement. Sparks thought condition of approval would bring another plat to show entryway of the equipment it means would be looking at another plat to see how equipment was going to be coming in the subdivision. Trost this preliminary plat was conditional, so have to see condition. Cameron normally when someone gets preliminary plat approval go do preliminary work and potential for spending time to develop a product not happy with would suggest would like to see revised preliminary plat to see more open space area and showing how access to minerals.

James asked Eric if problem with suggestion? Eric when bring preliminary plat and gets approved by P&Z it typically doesn't go to Council because asking for common areas and no alleys. Those plats do come before Council, once get approved preliminary plat most developers start sinking money in and getting into design and Council not typically involved in action beyond that. With action two weeks ago developer is under impression he is going full force into design. As part of that need work out specifics to O&G locations. have started that discussion and don't know for sure what council wants to approve but want to approve final plat out of that discussion. Worry that if that is a condition that going to force final plat to happen at beginning to ensure know what going to approve before getting into design. Better like revised preliminary. What was approved two weeks ago is similar to other preliminary plats and are in full force of design. Not all that different from things seen and approved before from approved wells.

James do both feel comfortable that in next 30 days can hash this out and bring back a revised preliminary plat? Operating feel that densities are not doable worried about safety, take a dozen lots out then off and running. Feel strongly that if have opportunity to mediate this can meet that guidelines. Questions about how moves road and electrical lines that are already in place. Trost in spirit of being developer friendly, then think need to go.

James withdrew second died for lack of second.

Council Member Dufford moved to approve a motion directing staff to begin the process of annexation for a 105-acre tract of land located in Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas with the amendment to require a revised preliminary plat.; seconded by Council Member James.

Dufford maybe should notify everyone including operating when there are existing unpermitted wells.

Eric part of difficulty in that is until a couple of months ago the developer didn't want anybody to know need to be held quietly as possible until signatures are on pieces of paper. that is a great thing to engage those folks as early as possible. Layout down at time when did not want to engage anyone else as to what was being done.

Operator #1 ultimate is safety of people. Don't want to be hated. Will be living with folks for next 40 years and want to be good neighbors. James this modeled after other communities around country. think hearing need to create those distances for Midland if that difficult for these things to happen. May be worth looking at it again.

Trost gentleman from EGL have not given names or address for record.

Joh Starck 2806 Metz Drive, president of EGL Resources. Hav eto live with this for think 135 feet is a mistake setting up for a failure.

Mike ____ 1612 Harvard Avenue Midland. Operator #1

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

insert "approval before revised preliminary plat.

35. Presentation of the 2012 Annual Accident Report (ENGINEERING SERVICES)

Gary Saunders presented 2012 Annual Accident Report. 15% increase in accidents 1:34 p.m. can be accounted for 29 intersections with 7 or more accidents. MEV for year look at 2.0 and above. highest was A and North loop 250 services road was 3.7. For every one million vehicles in a year experienced 3.7 accidents. Number of injuries decreased. number of fatalities up from 6 to 16. Love A and North Loop 250 do you have any indication as to how happens. People coming from A northbound might have a blind spot? Gary throughout intersection. Majority on north side one thing looking at is going southbound accidents in that direction. Talked to TexDot and controlled access and request to bring more visible to put flashing light on northbound. It should help considerably. They are not interested in doing it but TXDOT said we could. Gary everything is looking good. Fatalities increased from 6 to 16 due to influx of traffic and several on interstate and state highways. Alcohol related accidents has dropped, MEV rating in all intersections that report is still low 1.142 accidents city wide average for every entering vehicle in an intersection. Last 6year .917. The traffic volume 2011 and 2012 2.07% increase. Influx of growth is good ocrrelation to see why accidents have increased as much as they have. Still a very safe.

Trost 0-9 accidents at Midkiff and Neely. There are no businesses there what do you attribute increases to? Gary one thing could be contributing factor is with growth on streets growth in school districts and that is near school. Will investigate but feel it is a contributing factor.

Wes fatality listing the 191/CR 1275 3 deaths where is that. Courtney existi before 191 near Mid Cities church on west sid eof town.

Wes one point putting up signs about dangerous intersection do still do that. Sign cross traffic does not stop and that is still going on one of the intersections in this report since TXDOT installed that sign.

James is there some sense of traffic accidents and where from? Gary that is Price. Price people involved in wrecks is captured on crash report have to drill down through

database to see. It would be interesting to know if seeing a lot more accidents from people who are new to community as opposed to Midlanders. Price could do that then take into account of transient driving public. James interest in Midland vs non/Midland. Price will work with Gary. James traffic fatalities were down and what hearing is traffic fatalities are up. Price last year down over previous year but this year back up to where historically have been.

no action.

36. Consider an ordinance establishing intersection stops at various locations within the City of Midland, Texas; requiring and authorizing the posting of appropriate signs at intersections; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES)

ORDINANCE NO. 9120

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

Gary Saunders as growth in new subdivisions stop signs installed in locations in compliance with 1:46 reflects 12 new stop signs. rec approval of ord.

Deputy City Secretary Moreno read the caption of Ordinance No. 9120.

Council Member Love moved approval of the first of two readings of Ordinance No. 9120 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

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

no appointments.

meeting adjourned at 1:48 p.m.

EXECUTIVE SESSION

Mayor Perry noted would recess for lunch and reconvene at 1:15 p.m. recessed at 12:18 p.m.

reconvene at 1:15 p.m.

38. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:

a. Section 551.072 Deliberation Regarding Real Property.

- a.1. Discuss the purchase, exchange, lease, and value of real property described as 2.0 acres more or less, Block 055, All, Original Town, City of Midland, Midland County, Texas.

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