

**MIDLAND CITY COUNCIL
MINUTES
March 20, 2012**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:00 a.m. on March 20, 2012.

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 Vicky Hailey (District 2), and Council Member John James (District 3), 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, Development Services Director Rick Crownover, Police Chief Price Robinson, General Services Director Robert Patrick, Utilities Director Stuart Purvis, Planning Division Manager Cameron Walker, Building Official Steve Thorpe, GIS Manager Bill Hodge, City Engineer David Beard, Public Information Officer Tasa Watts, 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., March 20, 2012.

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 Vicky Hailey (District 2), and Council Member John James (District 3), 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 City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas at ____ a.m., March 20, 2012.

OPENING ITEMS

1. Invocation - Reverend Terry Rothermich, Memorial Christian Church - Disciples of Christ
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation for Midland High School Robotics.
 - b. Presentation of a Proclamation for the 90 Day RVLUTION Day.
 - c. Presentation of a Proclamation for the Midland Association of Retired School Personnel.

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

5. Approved a motion approving the following minutes:

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14
; seconded by Council Member Trost.

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

Council Member TrostTrost moved to approve Consent Agenda items INCLUDED_ITEMS> excluding EXCLUDED_ITEMS> ; seconded by Council Member Hailey.

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

- a. Regular Minutes of February 28, 2012

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14
; seconded by Council Member Trost.

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

b. Special Minutes of February 29, 2012

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14
; seconded by Council Member Trost.

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

c. Special Minutes of March 1-2, 2012

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14
; seconded by Council Member Trost.

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

6. Approved a resolution approving and authorizing advertisement of request for proposals for depository and other commercial banking services. (Finance)

RESOLUTION NO. 2012 - 067

RESOLUTION APPROVING AND AUTHORIZING ADVERTISEMENT OF REQUEST FOR PROPOSALS FOR DEPOSITORY AND OTHER COMMERCIAL BANKING SERVICES; THE CITY OF MIDLAND IS ENGAGING IN A REQUEST FOR PROPOSALS TO SELECT A BANK TO PERFORM AS THE PRIMARY DEPOSITORY FOR THE INVESTMENT OF CITY FUNDS AND SOURCE OF COMMERCIAL BANKING SERVICES, AND TO SELECT A BANK OR BANKS TO SERVE AS A SECONDARY DEPOSITORY OR DEPOSITORIES FOR THE INVESTMENT OF THE CITY FUNDS; PROPOSALS FOR CONSIDERATION MUST BE RECEIVED BY THE CITY SECRETARY BY 4:00 P.M. ON APRIL 17, 2012; AND IT IS ANTICIPATED THAT RECOMMENDATIONS SHALL BE MADE TO THE COUNCIL ON MAY 22, 2012

Council Member HaileyHailey moved to adopt Resolution No. 2012 - 067; seconded by Council Member James.

Council Member Trost moved to adopt Resolution No. 2012 - 076
; seconded by Council Member Hailey.

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

7. Receive for information and possibly discuss First Quarter Fiscal Year 2011-2012 Investment Report. (Finance)

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14
; seconded by Council Member Trost.

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

8. Approved a resolution approving a master agreement for readymix concrete and caliche for the Transportation Division (General Services)

RESOLUTION NO. 2012 - 068

RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT FOR AN ANNUAL SUPPLY OF READY-MIX CONCRETE AND STABILIZED CALICHE FROM TROY VINES, INCORPORATED, OF MIDLAND, TEXAS, AT A TOTAL COST OF \$65,040.00

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14

; seconded by Council Member Trost.

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

9. Approved a resolution approving plans and specifications for the turnkey construction of a pavilion at Hogan Park. (General Services)

RESOLUTION NO. 2012 - 069

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE CONSTRUCTION OF A PAVILION AT HOGAN PARK; SAID PAVILION IS THE FINAL COMPONENT OF THE RENOVATIONS AT HOGAN PARK

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14

; seconded by Council Member Trost.

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

10. Approved a resolution approving a contract for the renovation of the Washington Park aquatic center for the Community Services Department. (General Services)

RESOLUTION NO. 2012 - 070

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH POOLS BY RANAE, INC, DBA BLUESCAPE POOLS BY RANAE, IN ORDER TO RESURFACE THE INTERIOR OF THE WASHINGTON PARK AQUATIC CENTER POOLS IN THE AMOUNT OF \$70,047.00; AND APPROPRIATING FUNDS

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14

; seconded by Council Member Trost.

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

11. Approved a resolution authorizing an interlocal agreement allowing the City of Midland to participate in The Local Government Purchasing Cooperative operating as the

BuyBoard. (General Services)

RESOLUTION NO. 2012 - 071

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL PARTICIPATION AGREEMENT WITH THE LOCAL GOVERNMENT PURCHASING COOPERATIVE FOR THE CITY'S PARTICIPATION IN A PURCHASING PROGRAM; AND THE LOCAL GOVERNMENT PURCHASING COOPERATIVE IS OPERATING AS THE BUYBOARD

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14

; seconded by Council Member Trost.

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

12. Approved a resolution approving a contract with Oncor to provide electrical service in the amount of \$54,276.00 for the Midland Airport Hangar Service Project. (General Services)

RESOLUTION NO. 2012 - 072

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER OF AGREEMENT WITH ONCOR ELECTRIC DELIVERY COMPANY LLC, A DELAWARE LIMITED LIABILITY COMPANY FOR ADDITIONAL ELECTRIC FACILITIES SUFFICIENT TO PROVIDE ELECTRIC SERVICE FOR UNITS AT MIDLAND AIRPORT HANGAR PROJECT AT WINDECKER AND AIRWAYS; AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$54,276.00 WHICH WAS PREVIOUSLY APPROPRIATED

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14

; seconded by Council Member Trost.

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

13. Approved a resolution authorizing the execution of land lease agreement for Airport Hangar Facility between Absolute Investments, Inc. and the City of Midland, Texas in Lot 4B, Block 11, (Lease Tract 1) Midland International Airport, Industrial Park Addition, Section 6, Midland County, Texas. (Airport)

RESOLUTION NO. 2012 - 073

RESOLUTION AUTHORIZING THE EXECUTION OF A LAND LEASE AGREEMENT WITH ABSOLUTE INVESTMENTS, INC. FOR HANGAR DEVELOPMENT LOCATED ON A 0.46 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

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14

; seconded by Council Member Trost.

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

14. Approved a resolution authorizing the City Manager to execute a consent agreement between Security Bank and the City of Midland as required by Article 8 (K) of the Good Luck Investment L.L.C.'s lease agreement to encumber its leasehold interest in the lease by pledging said lease as collateral for a loan to construct a hangar on the premises. (Airport)

RESOLUTION NO. 2012 - 074

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSENT AGREEMENT BETWEEN SECURITY BANK, THE CITY OF MIDLAND, TEXAS AND GOOD LUCK INVESTMENTS, L.L.C., AS AUTHORIZED BY ARTICLE 8(K) OF GOOD LUCK INVESTMENTS L.L.C.'S LEASE AGREEMENT IN ORDER TO ALLOW SECURITY BANK TO ENCUMBER GOOD LUCK INVESTMENTS L.L.C.'S LEASE HOLD INTEREST BY PLEDGING SAID LEASE AS COLLATERAL FOR A LOAN TO CONSTRUCT A HANGAR ON THE PREMISES AT THE MIDLAND INTERNATIONAL AIRPORT

15. Approved a resolution authorizing the release of a request for proposal for an uninterrupted power supply to provide emergency power to the Communication and Police building. (Communication and Information Systems)

RESOLUTION NO. 2012 - 075

RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS FOR AN UNINTERRUPTED POWER SYSTEM FOR THE PUBLIC SAFETY COMMUNICATION CENTER; AND THIS ITEM SHALL PREVENT EQUIPMENT FROM SHUTTING DOWN IN A POWER OUTAGE

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14
; seconded by Council Member Trost.

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

16. Approved a resolution for the purchase of up to 200 computers from Dell for replacement of existing out-of-date computers and appropriating funds. (Communications and Information Systems)

RESOLUTION NO. 2012 - 085

RESOLUTION APPROVING THE PURCHASE OF UP TO TWO HUNDRED (200) COMPUTERS THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$601,250.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A STATE OF TEXAS COOPERATIVE PROGRAM

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14
; seconded by Council Member Trost.

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

17. Approved a resolution authorizing the transfer of Lot 2, Block 3, Glenn Francis Addition, City and County of Midland; Lots 9A, 10A, 11A, 12A, 13A, 14A and 14B, Block 1, Glenn Francis Addition Section 2, City and County of Midland; Lots 3A, 4A, 5A, 6A, 7A, 8A and 8B, Block 3, Glenn Francis Addition Section 2, City and County of Midland; Lots 3, 4 and 5, Block 6, Glenn Francis Addition Section 2, City and County of Midland to Midland Habitat for Humanity, Incorporated, in accordance with Section 253.011 and Section 272.001 of the Texas Local Government Code; and authorizing the City Manager and the City Attorney to execute all documents necessary to transfer ownership; the transfer of this property is not subject to notice, bidding, and obtaining a fair market value requirements of state law. (Community Development)

RESOLUTION NO. 2012 - 077

RESOLUTION AUTHORIZING THE TRANSFER OF LOT 2, BLOCK 3, GLENN FRANCES ADDITION, CITY AND COUNTY OF MIDLAND; LOTS 9A, 10A, 11A, 12A, 13A, 14A AND 14B, BLOCK 1, GLENN FRANCES ADDITION SECTION 2, CITY AND COUNTY OF MIDLAND; LOTS 3A, 4A, 5A, 6A, 7A, 8A AND 8B, BLOCK 3 GLENN FRANCES ADDITION SECTION 2, CITY AND COUNTY OF MIDLAND; LOTS 3, 4, AND 5, BLOCK 6, GLENN FRANCES ADDITION SECTION 2, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, TO MIDLAND HABITAT FOR HUMANITY, INCORPORATED, IN ACCORDANCE WITH SECTION 253.011 AND SECTION 272.001 OF THE TEXAS LOCAL GOVERNMENT CODE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO TRANSFER OWNERSHIP; THE TRANSFER OF THIS PROPERTY IS NOT SUBJECT TO THE NOTICE, BIDDING, AND OBTAINING FAIR MARKET VALUE REQUIREMENTS OF STATE LAW; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MIDLAND AND HABITAT FOR HUMANITY, INCORPORATED

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14

; seconded by Council Member Trost.

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

18. Approved a resolution authorizing the transfer of Lots 3A, 4A, 5A, 6A, 7A, 8A, 9A, 10A, 10B, 10C and 10D, Block 4, Glenn Francis Addition, Section 2, City and County of Midland; Lots 6 through 18, Block 6, Glenn Francis Addition, Section 2, City and County of Midland to the Midland Community Development Corporation, Incorporated, in accordance with Section 253.011 and Section 272.001 of the Texas Local Government Code; and authorizing the City Manager and the City Attorney to execute all documents necessary to transfer ownership; the transfer of this property is not subject to the notice, bidding, and obtaining of fair market value requirements of state law. (Community Development)

RESOLUTION NO. 2012 - 078

RESOLUTION AUTHORIZING THE TRANSFER OF LOTS 3A, 4A, 5A, 6A, 7A, 8A, 9A, 10A, 10B, 10C AND 10D, BLOCK 4, GLENN FRANCES ADDITION SECTION 2, CITY

AND COUNTY OF MIDLAND; LOTS 6 THROUGH 18, BLOCK 6, GLENN FRANCES ADDITION SECTION 2,CITY AND COUNTY OF MIDLAND AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, TO MIDLAND COMMUNITY DEVELOPMENT CORPORATION, INCORPORATED, IN ACCORDANCE WITH SECTION 253.011 AND SECTION 272.001 OF THE TEXAS LOCAL GOVERNMENT CODE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO TRANSFER OWNERSHIP; THE TRANSFER OF THIS PROPERTY IS NOT SUBJECT TO THE NOTICE, BIDDING, AND OBTAINING FAIR MARKET VALUE REQUIREMENTS OF STATE LAW; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MIDLAND AND MIDLAND COMMUNITY DEVELOPMENT CORPORATION, INCORPORATED

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14

; seconded by Council Member Trost.

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

19. Approved a resolution authorizing the execution of a right of way license agreement between the City of Midland and Centurion Pipeline, L.P. (Engineering)

RESOLUTION NO. 2012 - 079

RESOLUTION AUTHORIZING A RIGHT OF WAY LICENSE WITH THE CITY OF MIDLAND, TEXAS AND CENTURION PIPELINE, L.P.; SAID RIGHT OF WAY LICENSE IS FOR THE PURPOSE OF PLACING, OPERATING, AND MAINTAINING A 12 INCH AND 16 INCH CRUDE OIL PIPELINE; THE PIPELINE IS LOCATED WITHIN THE CITY OF MIDLAND RIGHT

OF WAY WITHIN A PORTION OF TODD ROAD, SECTION 32, BLOCK 39, T-1-S, T&P RR CO., MIDLAND COUNTY, TEXAS, AND A PORTION OF CYNTHIA ROAD, SECTION 30 AND 31, BLOCK 38, T-1-S, T&P RR. CO., MIDLAND COUNTY, TEXAS; THE LICENSE TERM IS FOR TWENTY-FIVE (25) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE

AND SHALL AUTOMATICALLY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL TWENTY-FIVE (25) YEAR TERM UPON 90 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14

; seconded by Council Member Trost.

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

20. Approved a resolution authorizing a professional services agreement with Parkhill, Smith & Cooper with the extension of Market Street. (Engineering)

RESOLUTION NO. 2012 - 080

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC. FOR ENGINEERING SERVICES IN CONNECTION WITH THE MARKET STREET PAVING AND WATER

UTILITY EXTENSION PROJECT; AND APPROPRIATING FUNDS THEREFOR

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14

; seconded by Council Member Trost.

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

21. Approved a motion on a request by Landgraf, Crutcher & Associates (LCA) for Mayfield Place (Midland Bible Church), to approve items requested for deferral in the amount of \$77,347, and to waive the associated public improvement guarantee. This subdivision is positioned in the City Limits, generally located on the east side of Whitman Drive approximately 1,600 feet north of Mockingbird Lane. The items to be deferred are street-paving improvements, water main improvements, wastewater main improvements and sidewalk improvements. (Engineering)

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14

; seconded by Council Member Trost.

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

22. Approved a resolution authorizing staff to advertise for bids the CDBG Sidewalk Improvement Project. The project is located in the vicinity of the Midland Freshman School along Hicks Ave. (Engineering)

RESOLUTION NO. 2012 - 081

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT SIDEWALK IMPROVEMENT PROJECT; SAID PROJECT IMPROVEMENTS WILL CONSIST OF CONSTRUCTING NEW SIDEWALKS AND ADA ACCESSIBLE RAMPS IN ORDER TO PROVIDE A SAFE PEDESTRIAN ROUTE AT INTERSECTIONS

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14

; seconded by Council Member Trost.

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

23. Approved a resolution approving the 2012 "Fill the Boot" campaign benefiting the Muscular Dystrophy Association (MDA). (Fire Department)

RESOLUTION NO. 2012 - 082

RESOLUTION APPROVING THE CITY OF MIDLAND FIRE DEPARTMENT'S APPLICATION TO SOLICIT CHARITABLE CONTRIBUTIONS IN ROADWAYS ON BEHALF OF THE MUSCULAR DYSTROPHY ASSOCIATION BY PARTICIPATING IN THE "FILL-THE-BOOT" FUNDRAISER; THIS IS AUTHORIZED BY SECTION 552.0071

OF THE TEXAS TRANSPORTATION CODE; THE DATES AND TIMES OF THE SOLICITATION ARE APRIL 11TH, 12TH, AND 13TH, 2012, FROM 8:00A.M. TO 6:00 P.M., ALTERNATE DATES DUE TO INCLEMENT WEATHER ARE MAY 2ND, 3RD AND 4TH, FROM 8:00A.M. TO 6:00 P.M.; THE INTERSECTION LOCATIONS AT WHICH THE SOLICITATIONS SHALL OCCUR ARE MIDKIFF ROAD AND WADLEY AVENUE, MIDLAND DRIVE AND LOOP 250, MIDLAND DRIVE AND ANDREWS HIGHWAY, AND GARFIELD STREET AND GOLF COURSE ROAD; THERE WILL BE FIFTEEN (15) SOLICITORS INVOLVED IN SOLICITATIONS AT EACH LOCATION; AND THE MUSCULAR DYSTROPHY ASSOCIATION, INCORPORATED IS REQUIRED TO PROVIDE GENERAL LIABILITY INSURANCE PRIOR TO THE EVENT AND THE FIRE CHIEF SHALL ENSURE THAT THE INSURANCE IS RECEIVED AND APPROVED PRIOR TO THE "FILL THE BOOT" FUNDRAISER

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14
; seconded by Council Member Trost.

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

24. Approved a resolution requesting the appropriation of funds to the Police Equipment and Technology Project. (Police Department)

RESOLUTION NO. 2012 - 083

RESOLUTION APPROPRIATING UNCLAIMED OR ABANDONED FUNDS IN THE AMOUNT OF \$11,054.00 TO THE MIDLAND POLICE DEPARTMENT; THE PROCEEDS WILL BE USED TO PURCHASE EQUIPMENT AND TECHNOLOGY ESSENTIAL TO THE LAW ENFORCEMENT FUNCTION FOR THE MIDLAND POLICE DEPARTMENT

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14
; seconded by Council Member Trost.

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

25. Approved a resolution authorizing the acceptance of granting funding in the amount of \$3,068 from the High Intensity Drug Trafficking Areas (HIDTA) Program and appropriating funds. (Police Department)

RESOLUTION NO. 2012 - 084

RESOLUTION ACCEPTING ADDITIONAL GRANT FUNDING FROM THE SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM IN THE AMOUNT OF \$3,068.00; THESE FUNDS WILL BE DIRECTED TO THE FISCAL YEAR 2010 HIGH INTENSITY DRUG TRAFFICKING AREAS PROJECT 7037; AND APPROPRIATING FUNDS

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14
; seconded by Council Member Trost.

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

26. Approved a resolution approving a task order for the existing professional services agreement with Parkhill, Smith & Cooper and appropriating funds for the construction of Landfill Cell 7. (Solid Waste)

RESOLUTION NO. NUMBER>

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INCORPORATED, OF MIDLAND, TEXAS, FOR PROFESSIONAL DESIGN AND ENGINEERING SERVICES AT THE CITY LANDFILL; IT IS ESTIMATED THAT THE DESIGN AND ENGINEERING WORK SHALL COST \$453,400.00; AND APPROPRIATING FUNDS

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14
; seconded by Council Member Trost.

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

27. Approved a resolution approving plans and specifications for the MBR Satellite Reclaimed Water Production Facility Project and authorizing advertisement of bids. (Utilities)

RESOLUTION NO. 2012 - 086

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR COMPETITIVE BIDS FOR THE MEMBRANE BIOLOGICAL REACTOR SATELLITE RECLAIMED WATER PRODUCTION FACILITY PROJECT; AND THE PROJECT WILL INCLUDE THE CONSTRUCTION OF A WATER RECLAMATION FACILITY TO PROVIDE IRRIGATION WATER TO MIDLAND COLLEGE

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14
; seconded by Council Member Trost.

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

28. Approved a motion authorizing the staff to proceed with the voluntary annexation process for approximately 145 acres of Schlumberger land, 78 acres of Midland Development Corporation land, and approximately 30 acres of City owned land out of Section 11, Block 40, T-2-S, T&P RR. Co., Midland County, Texas. (Planning)

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14
; seconded by Council Member Trost.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, Dufford,

James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

29. Approved a resolution authorizing an economic development agreement between the Midland Development Corporation (MDC) and the City of Midland for infrastructure improvements to Market Street. (City Attorney)

RESOLUTION NO. 2012 - 087

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

Council Member Morales moved to approve Consent Agenda items 5 - 29 excluding 6, 14
; seconded by Council Member Trost.

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

SECOND READINGS

30. Consider an ordinance on on second reading on a request by Panda Express for a zone change from PD, Planned District for a Shopping Center to an Amended Planned District on 1.075-acres out of Lot 1A, Block 33, Northgate Addition, Section 24, City and County of Midland, Texas. (Generally located near the northwest corner of the intersection of West Loop 250 North and North Midland Drive.) (Planning)

ORDINANCE NO. 8989

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.075-ACRE TRACT OF LAND OUT OF LOT 1A, BLOCK 33, NORTHGATE ADDITION, SECTION 24, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN

SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF WEST LOOP 250 NORTH AND NORTH MIDLAND DRIVE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS

AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Council Member Hailey moved to approve the second and final reading of Ordinance No. 8989 in accordance with the Charter of the City of Midland

; seconded by Council Member Perry.

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

31. Consider an ordinance on second reading amending ordinance number 8400 which established fees and charges of the City of Midland Community Services Department, Animal Services, Parks and Recreation, Hogan Park Golf Course, Health and Senior Services and fees charged for water bacteriological testing. (Community Services)

ORDINANCE NO. 8990

AN ORDINANCE ESTABLISHING FEES AND CHARGES OF THE CITY OF MIDLAND COMMUNITY SERVICES DEPARTMENT, ANIMAL SERVICES, PARKS AND RECREATION, HOGAN PARK GOLF COURSE, HEALTH AND SENIOR SERVICES, AND UTILITIES DEPARTMENT; AND REPEALING ORDINANCES SPECIFICALLY IN CONFLICT WITH SUCH FEES AND CHARGES ESTABLISHED HEREIN

32. Consider an ordinance on second reading for changing the structure of water rates. (Utilities)

ORDINANCE NO. 8991

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 CHANGE 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

Council Member DuffordDufford moved to approve the second and final reading of Ordinance No. 8991 in accordance with the Charter of the City of Midland; seconded by Council Member James.

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

33. Consider an ordinance on second reading declaring certain dilapidated structures as dangerous public nuisances, and ordering their removal. (Code Administration)

ORDINANCE NO. 8907

an ordinance on second reading declaring certain structures located at 105 South Lamesa Road, 701 North Calhoun Street, 303 South Jefferson Street, 408 North Lee Street, 506 South Baird Street, 505 East Florida Avenue, 602 East Cuthbert Avenue, 700 South Benton Street, 806 South Loraine Street, 1211 Belmont Street, 907 South Dallas Street, 909 South Dallas Street, 911 South Dallas Street, 507 East Peck Avenue, 503 East Longview Avenue, 200 East Longview Avenue, and 2100 South Fort Worth Street to be dilapidated, substandard or unfit for human habitation and a hazard to the public health, safety and welfare; ordering their destruction or removal; directing the City Secretary to publish notice; and directing the Building Official to deliver a copy of this ordinance to affected owners, lienholders and mortgagees; said ordinance being authorized by Chapter 214 of the Texas Local Government Code.

Council Member SparksSparks moved approval of the first of two readings of Ordinance No. 8907 in accordance with the Charter of the City of Midland; seconded by Council

Member James.

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

PUBLIC HEARINGS

34. Consider an ordinance annexing a 28.31-acre tract of land (Tract 7) out of Section 24, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of Briarwood Avenue and Holiday Hill Road.) (Planning)

ORDINANCE NO. 8992

ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 28.31-ACRE TRACT OF LAND OUT OF SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF BRIARWOOD AVENUE AND HOLIDAY HILL ROAD); AND APPROVING A PUBLIC SERVICE PLAN

Council Member Sparks moved approval of the first of two readings of Ordinance No. 8992 in accordance with the Charter of the City of Midland

ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 28.31-ACRE TRACT OF LAND OUT OF SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF BRIARWOOD AVENUE AND HOLIDAY HILL ROAD); AND APPROVING A PUBLIC SERVICE PLAN; seconded by Council Member James.

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

35. At approximately 10:30 a.m. hold a public hearing and consider an ordinance for initial zoning of annexed land to MF-1, Multiple Family Dwelling on a 20.21-acre tract of land (Tract 7A) out of Section 24, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of Briarwood Avenue and Holiday Hill Road.) (Planning)

ORDINANCE NO. 8993

ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 20.21-ACRE TRACT OF LAND OUT OF SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF, AS AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT; SAID TRACT IS GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF BRIARWOOD AVENUE AND HOLIDAY HILL 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

Deputy City Secretary Reyes read the caption of Ordinance No. 8993.

36. At approximately 10:33 a.m. hold a public hearing and consider an ordinance for initial zoning of annexed land to LR-2, Local Retail District on a 8.11-acre tract of land (Tract 7B) out of Section 24, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of Briarwood Avenue and Holiday Hill Road.) (Planning)

ORDINANCE NO. 8994

ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING AN 8.11-ACRE TRACT OF LAND OUT OF SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF, AS AN LR-2, LOCAL RETAIL DISTRICT; SAID TRACT IS GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF BRIARWOOD AVENUE AND HOLIDAY HILL 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

Deputy City Secretary Reyes read the caption of Ordinance No. 8994.

37. Consider an ordinance annexing a 108.453-acre tract of land (Tract 8) out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located northwest of the intersection of Tradewinds Boulevard and Champions Drive.) (Planning)

ORDINANCE NO. 8995

ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 108.453-ACRE TRACT OF LAND OUT OF SECTION 37, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF(GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND CHAMPIONS DRIVE); AND APPROVING A PUBLIC SERVICE PLAN

38. At approximately 10:36 a.m. hold a public hearing and consider an ordinance for initial zoning of annexed land to FD, Future Development District on a 108.453-acre tract of land (Tract 8) out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located northwest of the intersection of Tradewinds Boulevard and Champions Drive.) (Planning)

ORDINANCE NO. 8996

ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING AN 108.453-ACRE TRACT OF LAND OUT OF SECTION 37, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING

MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF, AS AN FD, FUTURE DEVELOPMENT DISTRICT; SAID TRACT IS GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND CHAMPIONS 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

39. At approximately 10:39 a.m. hold a public hearing and consider an ordinance ON APPEAL on a request Kenny Urias for a Specific Use Permit without Term for an accessory building for living and sleeping quarters on Lot 1 and the south 22 feet of Lot 2, Block 11, Skyline Terrace, City and County of Midland, Texas. (Generally located on the east side of Skyline Drive, approximately 470 feet south of Haynes Avenue.) (Planning)

ORDINANCE NO. 8997

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF LOT 1 AND THE SOUTH 22 FEET OF LOT 2, BLOCK 11, SKYLINE TERRACE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF SKYLINE DRIVE, APPROXIMATELY 470 FEET SOUTH OF HAYNES AVENUE), WHICH IS PRESENTLY ZONED 1F-1, ONEFAMILY 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

Council Member Trost moved to deny At approximately 10:39 a.m. hold a public hearing and consider an ordinance ON APPEAL on a request Kenny Urias for a Specific Use Permit without Term for an accessory building for living and sleeping quarters on Lot 1 and the south 22 feet of Lot 2, Block 11, Skyline Terrace, City and County of Midland, Texas. (Generally located on the east side of Skyline Drive, approximately 470 feet south of Haynes Avenue.); seconded by Council Member Dufford.

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

Walker gave overview listen 12:16

28.69 opposition requires to approve is to have 6 in favor super majority.

oph 12:18 p.m.

Ken Urias 4100 Skyline didn't make first showing and got denied remodel. Came to get permit to remodel 300 foot structure when moved in. Home is 3 bedroom and thought would be perfect 4th bedroom. Have two kids all room accommodated. Family gets couch. Came wanted to put bathroom and shower in that room and needed a permit. That's when said I have to get a SUP. James if could alleviate the potential for that ever happening then it makes it easier for approving it. Received signatures of almost

everybody. Mr Keiser made first showing and spoke to him about it and he signed his paper.

Dufford is not you and your use but what it would be used for in the future. Mayor Mr. Keyser needs to withdraw his opposition and his is the one that bumped it over. Are there solutions from your perspective to help him. Steve Thorpe 3 tests, meet a separate living quarters, sleep space, place to prepare food and full bathroom and if not there it is not in front of you. If intended as fourth bedroom and if cooking facility would be eliminated. If resubmitted without a kitchen it would be able to be approved administratively. Steve Fences are not required that is a person choice.

James approved with amendment that no cooking facilities.

read ordinance.

Mayor deny but come back without a kitchen it will be approved.

Dufford parking in alley, issue raised at commission on 21st when vehicles parked in alley periodically blocking movement of traffic.

40. At approximately 10:42 a.m. hold a public hearing and consider a resolution on a request by Fairmont Park Church of Christ for a Temporary Land Use Permit for RV parking on Lot 1, Block 5, the adjacent 0.26-acre vacated alley, Fairmont Park Addition, Section 2 and on a 0.96-acre tract of land out of Section 18, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of North Midland Drive and Fairbanks Drive.) (Planning)

RESOLUTION NO. 2012 - 088

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR MOTOR HOME PARKING ON LOT 1, BLOCK 5, AND THE ADJACENT 0.26-ACRE VACATED ALLEY, FAIRMONT PARK ADDITION, SECTION 2, AND ON A 0.96-ACRE TRACT OF LAND OUT OF SECTION 18, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH MIDLAND DRIVE AND FAIRBANKS DRIVE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Council Member Morales moved to adopt Resolution No. 2012 - 088
; seconded by Council Member James.

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

Planning division Manager Walker gave an overview of the item no generate electricity served from the church. In resolution requirement from church that building official prior to placement of RV's on property limit of numbers and reviewed by fire department once put on property for 18 day period. one letter of objection from 3800 fairgreen.

staff in support.

Trost object to water usage. sparks very light usage.

oph 12:35 p.m.

Lana Ashley 4501 Fairbanks live across from church. Diagram is not showing everything RV's are supposed to be in back of church property. Parking on Sunday an RV will take 6 or more parking spaces all parking on on street in front on Wednesdays and Sundays. Worried about parking in alley. It so hard to get out of Midland Drive and Fairbanks. Second, before had trash problems of stuff blowing over from neighborhood. Will there be a trash can? Will not be any generators, so water hoses running up and electric running up so rest of parking lot will not be used. Not downgrading that it is supposed to help people in area, but there is RV parking in other areas. If zoned once how many other times will it be zoned. I believe that the more church take care of church business and rv business take care of rv. The reason you don't have a lot of people here is fly says temporary and it doesn't say how many or how long. 16-20 RV's is there background checks on the people it doesn't mean their good people. Left this for your office to contact me back. Been living at that address since 91. When you don't fill out everything on a form that is trying to hide to the public what is supposed to be done. Everyone thinks you are supposed to do things for church. But when they are giving free parking to RV's when have RV park that is taxed should not be done.

Eldon Schoolcraft member of Fairmont Park school of Christ part of building committee. Would like to address some of concerns regarding we care ministries campaign. nationwide issue specific to their church. Systematic approach to outreach to neighborhood and community 60 folks from 15 states coming in for ministry to reach out to neighborhood to address spiritual and physical needs. Door to door ministry throughout neighborhood take boxes of food to folks who need them and offer to open bible studies with those folks. Campaign will be 13-29th. Agreement with target store to use their parking lot for overflow parking. Two services on Sunday morning. Probably the Sunday morning overflow traffic will fill up extra spots on target parking lot. Invested money bringing in temp electrical service along fence line. power cords will run along back of fence as well as water hookups and will not lose additional parking. All churches are growing and very passionate about community outreach. With new construction feel like want to make facility to neighborhood. Will direct parishioners not to park on Fairbanks. Dufford please take rest of neighborhood into consideration as you do this. Mr. Schoolcraft unusual due to new construction but will accommodate neighborhood.

Morales, extra services, trash extra dumpster? Schoolcraft, absolutely.

they haven't done that until now. I complained only had one trash can for church and don't know if he knows way he got another trash can. Try to talk and showed up on Sunday with all their flyers and all their nametags, went up if anybody else had something to say and asked them to come pick up their trash. Supposed to have only one doghouse in back but they have 3. Don't want rv park in neighborhood. cph 12:52

DEVELOPMENT SERVICES

41. Approved a resolution on a request by Callon Petroleum Operating Company (Pecan Acres 23A No. 1) for a Permit to Drill an Oil and Gas Well inside the City Limits on 467' FEL and 1,958' FNL, located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Golden Gate Drive, approximately ¾ mile north of Briarwood Avenue.) (Planning)

RESOLUTION NO. 2012 - 090

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 467 FEET FROM THE EAST LINE AND 1,958 FEET FROM THE NORTH LINE, SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF GOLDEN GATE DRIVE, APPROXIMATELY 3/4 OF A MILE NORTH OF BRIARWOOD AVENUE)

Council Member Hailey moved to adopt Resolution No. 2012 - 090
; seconded by Council Member Sparks.

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

Oil & Gas Compliance Office Ron Jenkins gave an overview of the item noting well brought first time first of 3 wells, site pad directional drill. O&G comm reviewed and rec approval. They noted steel coated tank be allowed for water containment, discussed battery with fire marshall, worked out tank situation that require in ordinance, fire chief rec fiberglass steel. Met with Callon very helpful and basically went back to tanks had. will be signed off by fd before in operation. Safety procedures will be signed off. O&G same findings so will see come up again. rec a vapor recovery unit. understate rule 32 have to have vapor recovery unit so added it in. O&G rec landscape not be postponed for longer than 2 years. 250 x 250 fresh water pit and tank battery on property to west of wells. no residences or commercial structures within 500 or 800 feet.

42. Approved a resolution on a request by Callon Petroleum Operating Company (Pecan Acres 23A No. 2) for a Permit to Drill an Oil and Gas Well inside the City Limits on 467' FEL and 1,983' FNL located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Golden Gate Drive, approximately 3/4 mile north of Briarwood Avenue.) (Planning)

RESOLUTION NO. 2012 - 091

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 467 FEET FROM THE EAST LINE AND 1,983 FEET FROM THE NORTH LINE, SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF GOLDEN GATE DRIVE, APPROXIMATELY 3/4 OF A MILE NORTH OF BRIARWOOD AVENUE)

Council Member Sparks moved to adopt Resolution No. 2012 - 091
; seconded by Council Member Dufford.

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

O&G compliance officer Jenkins same info on well only difference is location of drill.

43. Approved a resolution on a request by Callon Petroleum Operating Company (Pecan

Acres 23A No. 3) for a Permit to Drill an Oil and Gas Well inside the City Limits on 467' FEL and 2,008' FNL located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Golden Gate Drive, approximately ¾ mile north of Briarwood Avenue.) (Planning)

RESOLUTION NO. 2012 - 092

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 467 FEET FROM THE EAST LINE AND 2,008 FEET FROM THE NORTH LINE, SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF GOLDEN GATE DRIVE, APPROXIMATELY ¾ OF A MILE NORTH OF BRIARWOOD AVENUE)

Council Member Dufford moved to adopt Resolution No. 2012 - 092; seconded by Council Member James.

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

O&G Compliance Officer Jenkins gave an overview ditto.

Jimmy Wright 521 Matthis, land manager Callum current spacing is 40 acres per well depending on laterals.

44. Approved a resolution authorizing the execution of a road repair agreement with Callon Petroleum Operating Company related to the Pecan Acres 23A No.'s 1, 2 and 3 wells. (Planning)

RESOLUTION NO. 2012 - 089

RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH CALLON PETROLEUM OPERATING COMPANY REGARDING ITS APPLICATIONS TO DRILL OIL AND GAS WELLS WITHIN THE CITY LIMITS IN SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

Council Member Dufford moved to adopt Resolution No. 2012 - 089 ; seconded by Council Member Hailey.

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

O& G road using Briarwood and Valon battery strictly avalon.

Trost talked about road repair agreements, up and down Briarwood there are several oil companies using Briarwood, how do you know who is who? Jenkins when entrances going into well sites if tearing up in that area you can say it's them. should be causing damage down road but at stops and off and on road.

Note that it doesn't carry everywhere. Dufford everything causes damages.

Morales on map coming down county road 60 have to come in from county. what if you check a truck east of avalon on Briarwood is there a penalty. Ron no.

Cameron, these are Barron wells on Lyn energy property thatis also under a road repair agreement. If vehicels east of red line covered under different road repair agreement. Jenkins have not exercised agreement. james seems like more trouble then it's worth, maybe it should be something lower, automatically required to pay especially if in city.

Mayor commended Callon for going above and beyond.

45. Approved a motion authorizing the HEB development to proceed with proposed demolition work under a previously approved site plan. The Council shall consider an interpretation of a Planned District Site Plan. HEB is located at 3325 West Wadley Avenue. (Development Services)

Council Member James moved to approve a motion authorizing the HEB development to proceed with proposed demolition work under a previously approved site plan. The Council shall consider an interpretation of a Planned District Site Plan. HEB is located at 3325 West Wadley Avenue. ; seconded by Council Member Hailey.

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

Planning Division Manager Walker gave an overview of the item, main interest at that time of development of HEB store into what it is today. There was not discussion about outlying business of Ski Skeller. HEB would like to demolish their portion of rental space and utilize the area for additional parking. Should not be a hearing because was for HEB store itself. Any problems with removal of other properties.

Reason bringing to us is you didn't know when originally brought up because didn't talk about those buildings. Looking to see if you are comfortable to proceed with demolition without going through a full blown palnned district amendment.

Scott Rating, 3321 West Wadley if anybody has been confused of frsutrated with HEB parking lot. They install curbs, trees, restripe and all end up failing. Been wasting their money years. their two building demolition will add 40 parking spots. Don't think 40 spots is not the problem. Think it's just their design. they have congestion/entrance/exit problems. Once snowcone hut opens that adds to more congestion. and throwing 2 people out of business. UPS is moving over by Mervyns and nail salon is moving out of town. It will increase the value of his building. Won't solve problem, just a bandaid.

Been informed Code Administration that parking is well under code for parking.

Thorpe under parking but because planned district it should of met requirements. Mayor if doing demo for parking should look at it again. Cameron not aware of total number but wouldn't be hard to acquire info.

dufford when looked at site plan the add on-the height addition is newer during review process we looked at parking being adequately addressed.

James need to move forward, not a parking problem but an ingress/egress problem. Major bottleneck at that corner.

MISCELLANEOUS

46. Approved a resolution authorizing the nomination of a member to the Midland Central Appraisal District Board. (Finance)

RESOLUTION NO. 2012 - 093

RESOLUTION NOMINATING A CANDIDATE FOR THE MIDLAND CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS; AND DIRECTING THE CITY MANAGER TO DELIVER A COPY OF THIS RESOLUTION TO THE MIDLAND CENTRAL APPRAISAL DISTRICT

Council Member Trost moved to defer; seconded by Council Member Hailey.

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

47. Consider an ordinance annexing a 40.46-acre tract of land (Tract 1) out of Section 45, Block 40, T-1-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located north of Midland International Airport.) (Planning)

ORDINANCE NO. 8998

ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 40.46-ACRE TRACT OF LAND OUT OF SECTION 45, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF (GENERALLY LOCATED NORTH OF MIDLAND INTERNATIONAL AIRPORT); AND APPROVING A PUBLIC SERVICE PLAN

Council Member Hailey moved approval of the first of two readings of Ordinance No. 8998 in accordance with the Charter of the City of Midland

ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 40.46-ACRE TRACT OF LAND OUT OF SECTION 45, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF (GENERALLY LOCATED NORTH OF MIDLAND INTERNATIONAL AIRPORT); AND APPROVING A PUBLIC SERVICE PLAN
; seconded by Council Member Sparks.

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

Planning division Manager 6 items all city owned this is 1 of 6.

Deputy City Secretary Reeyes read the caption of Ordinance No. 8998.

48. Consider an ordinance annexing a 96.28-acre tract of land (Tract 2) out of Sections 43 & 44, Block 40, T-1-S, and Sections 5 & 6, Block 40, T-2-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located northwest of Midland International Airport.) (Planning)

ORDINANCE NO. 8999

ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 96.28-ACRE TRACT OF LAND OUT OF SECTIONS 43 AND 44, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND SECTIONS 5 AND 6, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF (GENERALLY LOCATED NORTHWEST OF MIDLAND INTERNATIONAL AIRPORT); AND APPROVING A PUBLIC SERVICE PLAN

Council Member Hailey moved approval of the first of two readings of Ordinance No. 8999 in accordance with the Charter of the City of Midland

ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 96.28-ACRE TRACT OF LAND OUT OF SECTIONS 43 AND 44, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND SECTIONS 5 AND 6, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF (GENERALLY LOCATED NORTHWEST OF MIDLAND INTERNATIONAL AIRPORT); AND APPROVING A PUBLIC SERVICE PLAN
; seconded by Council Member Dufford.

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

Deputy City Secretary Reyes read the caption of Ordinance No. 8999.

49. Consider an ordinance annexing a 55.08-acre tract of land (Tract 3) out of Sections 8, 9, 16, & 17, Block 40, T-2-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located south of Midland International Airport District.) (Planning)

ORDINANCE NO. 9000

ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 55.08-ACRE TRACT OF LAND OUT OF SECTION 8, 9, 16 AND 17, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF (GENERALLY LOCATED SOUTH OF MIDLAND INTERNATIONAL AIRPORT); AND APPROVING A PUBLIC SERVICE PLAN

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9000 in accordance with the Charter of the City of Midland

ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS,

BEING A 55.08-ACRE TRACT OF LAND OUT OF SECTION 8, 9, 16 AND 17, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF (GENERALLY LOCATED SOUTH OF MIDLAND INTERNATIONAL AIRPORT); AND APPROVING A PUBLIC SERVICE PLAN
; seconded by Council Member Trost.

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

Deputy City Secretary Reyes read the caption of Ordinance No. 9000.

50. Consider an ordinance annexing a 2.25-acre tract of land (Tract 4) out of Section 10, Block 40, T-2-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located northeast of Midland International Airport.) (Planning)

ORDINANCE NO. 9001

ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 2.25-ACRE TRACT OF LAND OUT OF SECTION 10, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF (GENERALLY LOCATED NORTHEAST OF MIDLAND INTERNATIONAL AIRPORT); AND APPROVING A PUBLIC SERVICE PLAN

Council Member Trost moved approval of the first of two readings of Ordinance No. 9001 in accordance with the Charter of the City of Midland

ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 2.25-ACRE TRACT OF LAND OUT OF SECTION 10, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF (GENERALLY LOCATED NORTHEAST OF MIDLAND INTERNATIONAL AIRPORT); AND APPROVING A PUBLIC SERVICE PLAN
; seconded by Council Member Hailey.

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

Deputy City Secretary Reyes read the caption of Ordinance No. 9001.

51. Consider an ordinance annexing a 3.88-acre tract of land (Tract 5) out of Section 4, Block 40, T-2-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located southeast of Midland International Airport.) (Planning)

ORDINANCE NO. 9002

ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 3.88-ACRE TRACT OF LAND OUT OF SECTION 4, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY

DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF (GENERALLY LOCATED SOUTHEAST OF MIDLAND INTERNATIONAL AIRPORT); AND APPROVING A PUBLIC SERVICE PLAN

Council Member James moved approval of the first of two readings of Ordinance No. 9002 in accordance with the Charter of the City of Midland

ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 3.88-ACRE TRACT OF LAND OUT OF SECTION 4, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF (GENERALLY LOCATED SOUTHEAST OF MIDLAND INTERNATIONAL AIRPORT); AND APPROVING A PUBLIC SERVICE PLAN
; seconded by Council Member Trost.

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

Deputy City Secretary Reyes read the caption of Ordinance No. 9002.

52. Consider an ordinance annexing a 3.57-acre tract of land (Tract 6) out of Section 13, Block 40, T-1-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located on the north side of the Mockingbird Lane extension, east of Avalon Drive.) (Planning)

ORDINANCE NO. 9003

ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 3.57-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF (GENERALLY LOCATED ON THE NORTH SIDE OF THE MOCKINGBIRD LANE EXTENSION, EAST OF AVALON DRIVE); AND APPROVING A PUBLIC SERVICE PLAN

Council Member Hailey moved approval of the first of two readings of Ordinance No. 9003 in accordance with the Charter of the City of Midland

ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 3.57-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF (GENERALLY LOCATED ON THE NORTH SIDE OF THE MOCKINGBIRD LANE EXTENSION, EAST OF AVALON DRIVE); AND APPROVING A PUBLIC SERVICE PLAN
; seconded by Council Member Morales.

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

Deputy City Secretary Reyes read the caption of Ordinance No. 9003.

53. Approved a resolution reconsidering the hours of the Mex-Tex operation. (City Manager)

RESOLUTION NO. 2012 - 094

RESOLUTION AUTHORIZING THE MIDLAND HISPANIC CHAMBER OF COMMERCE TO OPERATE THE MEX-TEX FAMILY FIESTA CONCERT UNTIL 1:00 A.M. ON SUNDAY, JUNE 10, 2012 AT THE SCHARBAUER SPORTS COMPLEX; AND THAT RESOLUTION NO. 2012-005 IS HEREBY RESCINDED

Council Member James moved to deny approval of operating hours to 1 a.m. and requiring turning stage away from grasslands.; seconded by Council Member Trost.

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

Council Member Morales moved to amend the motion and fund an additional \$5,000 from hotel/motel ; seconded by .; seconded by Council Member Hailey.

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

James ask reconsider not in contest of time but Midland Hispanic Chamber deserved clarifications on intentions. Issue 1 am to midnight but what became unclear was whether any intention of Council to face the stage one way or another. last year came to agreement that would go to 1 am and would turn the stage away from grasslands and more towards loop 250. Did resolve issue by saying it was 12 am but left open the direction of the stage. The only way he could see to offer clarity to by bringing up for reconsideration and then speaking to that or not.

Morales extra expenses, if to approve it allow an extra \$5,000 to offset those costs.

Sparks why cost \$5,000 extra. Morales, additional lighting, sound system, and fencing.

allow operate until 12 midnight.

Hailey for further use that stage be placed in that direction. Courtney staff adding policy for sports complex for grasslands area and trying to be sensitive to neighborhood policy that stage set up facing loop.

Council asked Rachel to come forward to explain additional costs.

Rachel Stone 1920 N Pecos, additional cost is for different generator because before could fly the sound but the wind blew and stage rocked. so tacked needed a generator for more sound. Additional generator. Used to use parking lot for customers and now have to fence behind there but now everybody has to park in the area behind stage. Fence \$600. Rented scissors to put stuff up and when everything started shaking got charged twice for scissors. The sound had to get extra speakers additional \$3100. Had to pay electrician to rewire generators. \$750. \$4770. After last time item heard asked if could turn stage back. Jerry said this has nothing to do with where the stage is placed. Trying to be neighborhood friendly as possible.

Dufford have hard time figuring out why additional \$5,000.

Have not reserved fencing it is not on the reservation (Tina Jauz)

Trost is fencing still available? Tina Jauz don't believe fence has been reserved by anyone for that weekend. Reserved in April last year.

Dufford does not want to attach to this, would like to look at it separately.

where will funding come from? Courtney hotel/motel.

Hailey in future the stage will always be toward the loop.

54. Consider making appointments to various Boards and Commissions.

Council Member Morales moved to appoint Kenny Harper to P& R Commission; seconded by Council Member Hailey.

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

EXECUTIVE SESSION

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

Mayor noted will not hold this item. Adjourned at 1:59 jp.m.

- a. Section 551.071, Consultation with the City Attorney

- a.1. Discuss with the City Attorney a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

PASSED AND APPROVED the __ day of ____, ____.

W. Wesley Perry, Mayor

ATTEST:

Amy M. Turner, City Secretary