

**MIDLAND CITY COUNCIL
MINUTES
March 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 March 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., March 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

cto 10:00 a.m.

1. Invocation - Monsignor Larry Droll, St. Ann's Catholic Church
2. Pledge of Allegiance

PRESENTATIONS

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

PUBLIC COMMENT

William M Meritt 3, 5301 Sherwood Drive, family moved to Midland in 1953 and decisions have affected his community. First school named after a confederate general that fought against equalities. Lee High School band invited to Washington DC and instructed not to play fight song. Worked with former council Member Julius Brooks and motioned to rename Fairgrounds road to Dr. Martin Luther King Jr. motion died due to lack of second. Parking lot with sign with MLK. Class of 64 Michael Williams asked where black kids were. Have been holding celebration in SE Midland that included crossing of track. celebration held to commemorate freeing of slaves. read that will not allow parade cross the tracks. Heart goes out to those in Show of Support. parade has been crossing tracks in over 30 years. Asked to rethink any decision that is against parade crossing the tracks.

4. Receive public comments where individuals may address the City Council on City related issues and projects. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting.

CONSENT AGENDA

Council Member Morales moved to approve Consent Agenda items 5 - 34 excluding 12, 20, 21, 22, 33; seconded by Council Member Dufford.

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

Council Member Morales moved to approve Consent Agenda items 5 - 34 excluding 12, 20, 21, 22, 33; seconded by Council Member Dufford.

5. Approved a motion approving the following minutes:
 - a. Regular meeting of February 26, 2013.
 - b. Special meeting of March 6-7, 2013.
6. Approved a resolution authorizing a contract for the construction of a new maintenance building addition, new storage building and soil storage bins at the Scharbauer Sports Complex. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 081

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH MID-TEX OF MIDLAND, INCORPORATED, FOR THE CONSTRUCTION OF AN ADDITION TO THE MAINTENANCE BUILDING, A NEW STORAGE BUILDING AND NEW SOIL STORAGE BINS AT THE SCHARBAUER SPORTS COMPLEX; AND THE CONTRACT SHALL BE APPROXIMATELY IN THE AMOUNT OF \$463,500.00

7. Approved a resolution approving the purchase of automobiles and light trucks for the Garage Division. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 082

RESOLUTION APPROVING THE PURCHASE OF THIRTY-THREE (33) ADMINISTRATIVE VEHICLES OF VARIOUS TYPES, FROM ROGERS FORD LINCOLN OF MIDLAND, TEXAS, AND RANDALL REED'S PRESTIGE FORD OF GARLAND, TEXAS, AT A TOTAL COST OF \$652,320.28

8. Approved a resolution approving the purchase of spring seed for Spraberry Farm. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 083

RESOLUTION APPROVING THE PURCHASE OF VARIOUS TYPES OF SEED, IN VARIOUS QUANTITIES, FOR USE AT THE SPRABERRY FARM, FROM HELENA CHEMICAL COMPANY, OF STANTON, TEXAS, AT A TOTAL COST OF \$69,610.20

9. Approved a resolution approving the purchase of a 2014 Freightliner chassis with HPR 800 high pressure sewer cleaner (sewer jet truck) from Freightliner of Austin through Buyboard contract #358-10 for the Garage Division. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 084

RESOLUTION APPROVING THE PURCHASE OF AN HPR 800 SEWER JET TRUCK THROUGH THE BUYBOARD AT A TOTAL COST OF \$189,020.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

10. Approved a resolution ratifying the purchase of year one (1) and approving the purchase of years two (2) and three (3) for the renewal of the GIS software maintenance from Environmental Systems Research Institute, Inc. (ESRI) for the Communication and Information Systems Department. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 085

RESOLUTION RATIFYING THE CITY MANAGER'S EXECUTION IN 2012 OF A THREE (3) YEAR CONTRACT FOR UNLIMITED USE OF GIS SOFTWARE WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INCORPORATED, OF SAN ANTONIO, TEXAS; SAID CONTRACT CONSOLIDATES THE USE AND EXPENSE OF MULTIPLE CURRENT SOFTWARE LICENSES AND ALLOWS THE CITY TO OBTAIN ADDITIONAL UNLIMITED SOFTWARE LICENSES FOR THE TERM OF THE CONTRACT AT NO ADDITIONAL COST; THE TOTAL COST OF THE CONTRACT IS 163,872.18

11. Approved a resolution approving the purchase of 18 Arbitrator Kit Complete Panasonic Mobile Digital Video Systems from Visual Pro 360, LLC through Texas DIR Contract

#SSD-1365 for police vehicles for the Garage Division. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 086

RESOLUTION APPROVING THE PURCHASE OF EIGHTEEN (18) DIGITAL VIDEO SYSTEMS FOR USE IN POLICE CARS THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$137,853.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A STATE OF TEXAS COOPERATIVE PROGRAM

13. Approved a resolution authorizing the execution of a Right of Way License Agreement between Diamondback E&P, LLC a Delaware Limited Liability Company and the City of Midland, Texas in Tract 1C, Sections 43 and 44, Block 40, T1N, T&P Ry. Co. Survey, Midland County, Texas (Midland International Airport). (AIRPORTS)

RESOLUTION NO. 2013 - 088

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE WITH DIAMONDBACK E&P, LLC; SAID RIGHT-OF-WAY LICENSE IS FOR THE PURPOSE OF INSTALLING, MAINTAINING AND OPERATING TWO WATER WELLS, ASSOCIATED ROADWAY, SURFACE FLOW LINES, AND A FRESH WATER FRAC POND ON CITY OF MIDLAND PROPERTY DESCRIBED AS TRACT 1C, SECTIONS 43 AND 44, BLOCK 40, T-1-N, T&P RY. CO. SURVEY, MIDLAND COUNTY, TEXAS; THE LICENSE TERM IS FOR FIVE (5) YEARS WITH AN AUTOMATIC RENEWAL FOR AN ADDITIONAL FIVE (5) YEAR TERM UPON WRITTEN REQUEST

14. Approved a resolution authorizing the execution of a Lease Agreement between Midessa Telephone Systems and the City of Midland, Texas in the LaForce Office Center at Midland International Airport. (AIRPORTS)

RESOLUTION NO. 2013 - 089

RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BETWEEN MIDESSA TELEPHONE SYSTEMS AND THE CITY OF MIDLAND, TEXAS, TO LEASE CITY-OWNED OFFICE SPACE IN THE LAFORCE OFFICE CENTER LOCATED AT THE MIDLAND INTERNATIONAL AIRPORT; THE LEASE IS FOR FIVE YEARS AND INCORPORATES APPROXIMATELY 3,322 SQUARE FEET

15. Approved a resolution authorizing the advertisement for bids for the project described as "Improvements to Midland Airpark" (7061), and appropriate the necessary funds. (AIRPORTS)

RESOLUTION NO. 2013 - 090

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE CITY OF MIDLAND PROJECT DESCRIBED AS IMPROVEMENTS TO MIDLAND AIRPARK AIRPORT (7061); AND APPROPRIATING NECESSARY FUNDS

16. Approved a resolution for sponsorship of an event on April 4, 2013. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2013 - 091

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS APPROVING THE SPECIAL EVENT TO TAKE PLACE AT CENTENNIAL PLAZA ON

APRIL 4, 2013 AS A CITY-SPONSORED SPECIAL EVENT

17. Approved a resolution authorizing the acceptance and appropriation of \$19,790 in reimbursement funds from Texas Department of State Health Services to assist the Health & Senior Services Division with the delivery of Refugee Immunizations. (COMMUNITY SERVICES)

RESOLUTION NO. 2013 - 092

RESOLUTION AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT FUNDS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES IN THE AMOUNT OF \$19,790.00 TO ASSIST THE HEALTH AND SENIOR SERVICE DIVISION WITH THE DELIVERY OF REFUGEE IMMUNIZATIONS SERVICES; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS; AND APPROPRIATING FUNDS

18. Approved a resolution authorizing the acceptance of additional grant funds from the Texas Department of State Health Services in the amount of \$13,092.00 to assist the Health and Senior services Division with the delivery of Local Public Health Services; and authorizing the execution of acceptance documents. (COMMUNITY SERVICES)

RESOLUTION NO. 2013 - 093

RESOLUTION AUTHORIZING THE ACCEPTANCE OF ADDITIONAL GRANT FUNDS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES IN THE AMOUNT OF \$13,092.00 TO ASSIST THE HEALTH AND SENIOR SERVICE DIVISION WITH THE DELIVERY OF LOCAL PUBLIC HEALTH SERVICES; AND AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS

19. Approved a resolution adopting the 2012 Parks, Recreation, and Open Space Master Plan Update. (COMMUNITY SERVICES)

RESOLUTION NO. 2013 - 094

RESOLUTION ADOPTING THE 2012 PARKS, RECREATION AND OPEN SPACES MASTER PLAN UPDATE PREPARED BY KDC ASSOCIATES FOR THE CITY OF MIDLAND, TEXAS; AND AUTHORIZING THE FILING OF SAID MASTER PLAN WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT

23. Approved a motion on a request by Dunaway Associates for Covington Addition to approve items requested for deferral in the amount of \$3,486,500 and to waive the associated public improvement guarantee. (ENGINEERING SERVICES)
24. Approved a resolution authorizing staff to advertise for bids, the Water and Wastewater Tap project. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 097

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE WATER AND WASTEWATER TAP PROJECT; SAID PROJECT WILL BE FOR THE INSTALLATION OF WATER AND WASTEWATER TAPS

25. Approved a resolution approving the MDA "Fill the Boot" 2013. (FIRE)

RESOLUTION NO. 2013 - 098

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 24TH, 25TH, AND 26TH, 2013 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

26. Approved a resolution to waive the EMS transport bills for the November 15th train accident. (FIRE)

RESOLUTION NO. 2013 - 099

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS WAIVING EMERGENCY MEDICAL SERVICES (EMS) RECEIVABLES ARISING FROM THE 2012 SHOW OF SUPPORT PARADE HELD ON NOVEMBER 15, 2012

27. Approved a resolution to appropriate unclaimed funds to the Police Equipment and Technology Project. (POLICE)

RESOLUTION NO. 2013 - 100

RESOLUTION APPROPRIATING UNCLAIMED OR ABANDONED FUNDS IN THE AMOUNT OF \$15,811.00 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

28. Approved a resolution funding the 2013 Water Conservation Program and appropriate funds. (UTILITIES)

RESOLUTION NO. 2013 - 101

RESOLUTION AUTHORIZING FUNDING OF THE 2013 WATER CONSERVATION PROGRAM; AND APPROPRIATING \$37,000.00 THEREFOR

29. Approved a resolution approving the execution of a Task Order for additional design services and construction management costs for HDR Engineering, Inc. and appropriate funds. (UTILITIES)

RESOLUTION NO. 2013 - 102

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT TASK ORDER WITH HDR ENGINEERING, INCORPORATED, FOR

PROFESSIONAL CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES ON THE CITY'S INFLUENT SCREEN REPLACEMENT PROJECT, PLUS PROFESSIONAL DESIGN AND CONSTRUCTION OVERSIGHT SERVICES FOR A NEW PUMP STATION FACILITY AT THE CITY'S SPRABERRY EFFLUENT FARM, AT AN ESTIMATED TOTAL COST OF \$641,600.00; AND APPROPRIATING FUNDS

30. Approved a resolution approving the execution of a Task Order for additional design services and construction management costs for the several ongoing projects with CDM Smith Inc. and appropriate funds. (UTILITIES)

RESOLUTION NO. 2013 - 103

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT TASK ORDER WITH CDM SMITH INC., FOR PROFESSIONAL DESIGN SERVICES AND CONSTRUCTION MANAGEMENT SERVICES FOR THE T-BAR WATER SUPPLY SYSTEM, THE PAUL DAVIS AND AIRPORT WELLFIELD IMPROVEMENTS PROJECT, THE MIDLAND RAW WATER PROJECT, THE PAUL DAVIS WELLFIELD UTILIZATION PROJECT, THE T-BAR CHLORINIZATION FACILITY PROJECT, AS WELL AS PROGRAMMING, TRAINING AND START-UP SERVICES AT THE CITY'S MBR SATELLITE REUSE PLANT, WATER POLLUTION CONTROL PLANT, T-BAR CHLORINIZATION FACILITY, AIRPORT, RAW WATER RESERVOIR AND PAUL DAVIS WELLFIELD, AT AN ESTIMATED TOTAL COST OF \$614,600.00; AND APPROPRIATING FUNDS

31. Approved a resolution approving Change Order Number 1 for the Raw Water Project with Archer Western Contractors, LLC and appropriate funds. (UTILITIES)

RESOLUTION NO. 2013 - 104

RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE WITH ARCHER WESTERN CONTRACTORS, L.L.C., ADDING \$266,979.00 FOR ADDITIONAL WORK TO THE EXISTING CONTRACT FOR THE RAW WATER PROJECT; AND APPROPRIATING \$266,979.00; THE ORIGINAL CONTRACT WAS FOR \$7,058,965.00; THIS CHANGE ORDER BRINGS THE TOTAL CONTRACT PRICE TO \$7,325,943.28

32. Approved a resolution approving an amendment to the contract with Sprayberry CGC, Inc. at the Spraberry Effluent Farm. (UTILITIES)

RESOLUTION NO. 2013 - 105

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDED EFFLUENT FARM LEASE RENEWAL AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND SPRABERRY CGC, INCORPORATED; THE TERM OF SAID AGREEMENT WILL EXPIRE ON DECEMBER 31, 2013

34. Approved a resolution authorizing the execution of a Temporary Right-of-Way Use Permit with Midland Christian School. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2013 - 107

RESOLUTION AUTHORIZING THE EXECUTION OF A TEMPORARY RIGHT-OF-WAY USE PERMIT WITH MIDLAND CHRISTIAN SCHOOL

33. Approved a resolution authorizing the office of the City Attorney to obtain automobile

and general liability insurance coverage through the Texas Municipal League Intergovernmental Risk Pool; adopting coverage recommendations; and authorizing payment therefor. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2013 - 106

RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO OBTAIN AUTOMOBILE AND GENERAL LIABILITY INSURANCE COVERAGE THROUGH THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL; ADOPTING COVERAGE RECOMMENDATIONS; AND AUTHORIZING PAYMENT THEREFOR

Wes this doesn't address parade ord but first step. Trying to buy ins from TML to reduce insurance requirements for anyone interested in getting a permit for a parade. John Ohnemiller listen 10:14 office rec to Council limits and if deductibles can be revisited during next budget process but authorizes Legal to go forward and obtain ins through TML. Should Council auth legal to obtain insurance can change City's insurance coverage could be a backdrop to visit ins in special event ord. Love if claim submitted how would City be able to handle \$50,000 deductible? Is it budgeted currently? John City does budget for claims currently and CM has auth to settle claims under \$50,000.

How many claims (James) courtney 10:17 a.m. ultimate objective to lower city's liability with TML insurance. James policy as currently proposed is \$50,000 - 60,000 a year. courtney with general liability and auto 162,000. Right now no insurance but 13 parades or special events that fall into this umbrella, are we asking all the citizens of Midland to buy insurance for anybody who wants to have a parade. Courtney from staff's perspective come back with rec changes to special events insurance, rec on current ins not nec amt of \$2m but participant spectator coverage having difficult time obtaining or very expensive. Think once we get TML coverage the City will be covered and can go down to \$1M coverage and not require participants to get that coverage. James will org be asked to pay something? Courtney staff will make rec that org that are going to have event that will block row or disrupt traffic that Council require insurance policy and can request a waiver from this body but think it would be part of rec that would require ins coverage. Morales the question getting asked is parade, march, run need better definition that includes everybody. If we have two sets of policies, who's primary? Courtney TML ins would cover the city and any liability including negligence on any accident at an event. It would not cover an entity's liability or any negligence. That is why we ask that you require insurance. Dufford why would we care what insurance coverage an event has as long as the city's covered. Morales want insurance that is affordable how do you balance that?

John to be clear the TML insurance is not limited to special events. It is broad in scope and relates to all city vehicles. James while tend to lean toward Dufford's suggestion want to make sure not abdicating responsibility to health and safety of citizens. In a parade often candy is being thrown. Everytime sees that has fear of kids running out to get candy and going under tire of vehicle. You have to have some level of insurance if in the public ROW. Getting off track talking about city's insurance and that is first step in moving forward to try to loosen requirements. Trost not all escorts such as Patriot Guard is that covered under this? Courtney under current ord if not blocking ROW stopping, police escorts, blocking intersections if they are starting from A to B and following traffic laws they do not fall under ord. If they are causing traffic or making ROW blocked then fall under ordinance. Trost under last classification description notes

applic to fireworks and special events if we hire someone to do 4th of July fireworks are we overed. Ask City be named as additional insured you are referring to ind contract provision the implication is they are not our employee and we are not responsible for them. James the reason we are discussing this and reason all over map is less about staff but about every person who took off from work to hear what had to say don't want to prematurely stop disussion. Love of 15 or 16 events that are listed that we sponsor, how many of those don't have insurance? Courtney would have to look at list. Midland High, Midland Lee and Midland Christian all have homecoming parades. They hae liability insurane but we added them to list for spectator coverage to cover the kids who grab candy. it's those instances hwere we felt additinal coverages. There are also smaller org that don't have insurance. No rhyme or reason and if get TML that list goes away. If you require you require of everybody but can come to Council for a waiver. Trost if issue a permit to any organization and waive the requirement for insurance, is there anyway the city by issuing the permit that the City could be liable following the event. John does not forsee an area where the City would be liable.

Theresa Galloway, 7608 florida, Odessa, deputy state captain for WTX patriot guard riders. The wording city has for a parade the pgr does not do parades we are honoring our heros. If they are going to asking the PD to escort a hero such as show of support or taking one home. It isnot different than ride to remember. Asking Council to except PGR for those who are required only getting a 2-3 day notice not 30 days. \$300 deposit. The PGR will have to do a fundraiser becasue they have no memberhsip fees. wording on insuarne requirements the word participants are causing insuarane carriers to turn them down. PGR has never been sued anywhere in Country. Have to carry extra \$2M to cover COM. Why does no nprofit have to buy ins for COM. Did get one quote if wording participant is removed. Not a bad premium but if have to carry a \$2m policy on Midland the quote tripled. Asked to exempt the PGR so they can continue to honor heros. Morales what is largest congregation of riders or average. Theresa 100-200 but up to 1,000. Average 20-50 bikes.

Alan Means, 2606 Hughes Street, non-profit organiation started in Midland Texas and take wounded soldiers missing. Brought 21 groups of wounded soldiers and every trip had PGR escort and COM escort. Go from point A to point B without stopping. COM has been fantastic. PGR Riders came out to airport and 6 wounded vets who came in on March 6 ad they couldn't excort. On Friday when we headed to lake they congregated at Baptist church with flags unfurled. The only difference is a joyous event because honor soldiers that have fought and given more than any of us. When soldiers get off plane. Carry \$1M general liability and word "participant" insurance has said nobody will cover you. Gloing to have a board meeting tomorrow and don't have problem with bringing \$2M. non profit do out of goodness of heart. They can do that it will cost about \$1,000more per year. If do that then need to have PGR riders at front of line and COM officers escorting soldiers. Read a letter from an alumni.Live in a litigious world and can pass lots of ordinances and regulations but will never get lawyers out of business. The last time were given a path and changed it for safety. Lets not allow tragic event of hshow of supprot to change what we do in Midland.

Wild BillMcNeenan, 10:49 a.m. 13 years ago a fellow vietnam vet were talking about memorial day and the lack of activity going on for that day in Midland and everywhere. Started thinking that nobody cared anymore of whatit was about. Decided they needed to do something and initiated the Ride to Remember the thousands that have given their lives for this country. first year had 35 motorcycles in 1999. last year ove r900

motorcycles, only passing through they are not a parade but an honor ride to those who are no longer here. He is a proud member of the patriot guard and will continue the ride hopefully with citizens of Midland.

Mark Ritter 2250 Independence Drive, Odessa, work at a local funeral home. Joined patriot guard because watched what they did, was in desert storm was in Navy. If you don't have anything else to do you can get a flag and place on another man's casket. Been doing this for 25 years. Those soldiers gave something to all of us, freedom. Asked to listen to the PGR. When take casket out of church or funeral home stand beside in respect. It's a thank you for the person who gave their life for our freedom. When writing laws think about one thing, your gut and what freedom is. The night of tragic accident got a phone call and asked what they could do for them. Called his boss and said casualties what can we do, he called his boss and guaranteed he would get those boys home at no cost. Don't want to make that phone call again. Let common sense prevail, they did it for us.

Daniel Morris, Monahan, come for KIA's and took one from Andrews to honor soldiers that come in. Appreciate what doing and thank dCouncil for considering PGR and not a parade but receiving closure for self and for soldier and asked consider them in your decision.

PGR Rider, wife of a disabled veteran and native Nashvillian. Married a W TX boy in May. Big City girl. November was most tragic thing ever saw. They were in Dallas for a back surgery and died together. Midland is an amazing place coming from beautiful flowers to dust, scrub and mesquite was big change. never been in town like Midland before but watched town serve citizens and VFW serve veterans and police dept and VFW worked hand in hand. Proud that have been able to escort them and it means a lot. The ability for PD to escort keeps them and every citizen safe. Ask all rider to be aware of safety on road they take notice when there are 50 or more coming by. Elizabeth Cater, 2214 Hughs Street,

CC, speaking on behalf of patriot guard ride for kids abused or neglected. Two brothers served in Vietnam and uncle served in Normandy who died. Do toy runs and with them there is no hope. Don't stop this. 2900 S county Rd 1223 1/2

Claudete Clay Waddingham, Andrews 1564 NE 501, liaison for ride to remember between Andrews and Midland. Known most of people in this room for many years. Father is a WWII veteran lived here in Midland. Son Brian is IRAQ vet. Prayed every day that he would come home safely and when he came home the PGR were in force and waited 3 hours waiting for his delayed flight. When got off plane everyone happy that he was home safe. Did not have much notice, got notice 2 days before he arrived. Very proud of Midland and citizens as a whole for how they feel towards soldiers and veterans and asked not to shut down the PGR. Don't do it for attention or fame or self glory do it to thank the veterans and soldiers. Member of VFW Riders group and Christian Motorcyclists Association.

Nichole Osborn 3409 Whittle Way, director for Real Thanks and PGR has done so much for their group. Midland is an inspirational place. When soldiers brought in here from other places are inspired by our culture. Recruited soldiers to become Midlanders and their lives have been changed with opportunities for work. Been touched by amazing citizens that they didn't get in the base towns. Everyone is so amazed at how much we honor our

military. Midland truly has it all, jobs, good economy, people who are supporting people like no other place. Strongly encourage Council to remember that. Every place that honor guard goes may not live here but they represent our community and show that americana does still exist.

Roy Proctor, monahans, the veterans from Vietnam were not welcomed home. Most of them that ride swore they would never see another vet come how and be treated they way they were. Bikers across united states are doing the very same thing. Please don't take away from PGR to be able to honor the person.

Mayor voting on an insurance thing. Asked if the PGR would apply for a waiver and let council vote on that. First meeting in April 9 if have event between now and then can have a special meeting. If had something on agenda we could vote on it but we don't. Apply for permit and ask for waiver will address it as soon as possible. Theresa do have to fill out app and apply for waiver? Courtney, recommend fill out application and attach letter requesting waive of insurance. If council chooses to have special meeting otherwise bring to first meeting in April. If get TML coverage it will come back at April 9 will make rec.

Dufford it is his understanding that escort does not require permit. Theresa cannot get a police escort. Dufford if no police escort no permit needed. Sparks if they are accompanying a fallen soldier isn't that covered under a funeral. Theresa but Bill has a son that is serving and he is out in Germany and injured they will release son to come home he is going to call us and say escort our son home on specific date and time. Only get 24 hour notice. we hope for 72. At that time the PGR is not an escort service do not do a wounded soldier do not do current living without police escort.

Morales in a funeral when procession of cars no permit required still have permit required. We can give waiver when on Council agenda.

Council Member Love moved to adopt Resolution No. 2013 - 106; seconded by Council Member Morales.

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

12. Approved a resolution approving the updated Purchasing Policy. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 087

RESOLUTION ADOPTING A NEW PURCHASING POLICY AND RESCINDING ALL PRIOR CONFLICTING RESOLUTIONS

Council Member Dufford moved to adopt Resolution No. 2013 - 087; seconded by Council Member Trost.

Council Member Love moved to amend the motion by amending Exhibit A in the resolution to include the HUB policy ; seconded by .; seconded by Council Member Morales.

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

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

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

20. Approved a resolution authorizing the naming of the baseball fields at John P. Butler Park the "Bill and Peggy Williams Youth Baseball Complex"; and accepting a donation in the amount of \$5,000 from Community National Bank for the signage. (COMMUNITY SERVICES)

RESOLUTION NO. 2013 - 095

RESOLUTION AUTHORIZING THE NAMING OF THE BASEBALL FIELDS AT JOHN P. BUTLER PARK THE "BILL AND PEGGY WILLIAMS YOUTH BASEBALL COMPLEX"; AND ACCEPTING A DONATION IN THE AMOUNT OF \$5,000 FROM COMMUNITY NATIONAL BANK FOR SIGNAGE

Trost curious as to what. Tina learned of this item late last week has not gone through P&R Commission. Opening ceremonies on Sunday closing ceremonies first week in May. Hope to have funds to have . changing name of complex where baseball field is located. The park name stays same.

Council Member Sparks moved to adopt Resolution No. 2013 - 095; seconded by Council Member Dufford.

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

21. Approved a resolution authorizing the City Manager to negotiate and execute an amendment, regarding the project timetable and reimbursable project expenses, to the Development Agreement between the City of Midland, Wall Street Lofts, LLC, the Midland Development Corporation and the Midland Tax Increment Reinvestment Zone No. 1 regarding the development of a mixed-use multi-family residential building and parking garage to be located on the property described as Lots 1-8 and Lots 13-23, Block 53, Original Town Addition, City and County of Midland, Texas. (DOWNTOWN DEVELOPMENT)

RESOLUTION NO. 2013 - 096

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE LETTER DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIDLAND, WALL STREET LOFTS, LLC, THE MIDLAND DEVELOPMENT CORPORATION ("MDC") AND THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 ("TIRZ") REGARDING THE DEVELOPMENT OF A MIXED-USE MULTI-FAMILY RESIDENTIAL AND RETAIL BUILDING AND PARKING GARAGE AND RELATED INFRASTRUCTURE, ALL TO BE LOCATED ON THE PROPERTY CURRENTLY DESCRIBED AS LOTS 1-8 AND LOTS 13-23, BLOCK 53, ORIGINAL TOWN ADDITION, MIDLAND, MIDLAND COUNTY, TEXAS (THE "PROJECT"); SAID AMENDMENT SHALL PROVIDE FOR THE EXTENSION OF THE PROJECT TIMETABLE, WITH COMMENCEMENT OF CONSTRUCTION TO BEGIN NO LATER THAN DECEMBER 31, 2013; SAID AMENDMENT SHALL PROVIDE FOR AN INCREASE IN THE CAP ON REIMBURSABLE EXPENSES AS NECESSARY TO OFFSET NECESSARY PHASE II WORK RELATED TO THE PROJECT

sparks pulled wanted to get more explanation as to what doing. If read correctly obligating selves for another \$80,000 to project. courtney ph I env assessment has been conducted on SW corne rof lot and determined in 20s that fillingstation on that spot. Don't know if any underground storage tanks which requires PH II study. If no underground tanks underground. if found estimate is to do remdiation of that.

Love is that reason timetable asked to be extended? Courtney one of the reasons. Original time table was pretty aggresive with all fo the design taking placeof the lofts and parking garage. Utilities need to be moved. this will give ability fordeveloper to get timetable more in line with reality with project. Phase II does hav eimpac.t

Council Member Trost moved to adopt Resolution No. 2013 - 096; seconded by Council Member Love.

sparks when going through TIRZ and donating proeprty and asked them to take as it we didn't know there had been a gas station there. As understand it that if possibility that we have \$80,000 in it. do we know that will cover the clean up. whatif its more than \$80,000. Courtny that is estimate received from environmental cost it is an estimate. Sparks what if significantly more than \$80,000 come back to this body and ask for direction. Think they need to take it as it and not come backt o City. If the property doesn't end up being the appropriate piece of property because of business it is a shame but it may be the case.

James disagree. Bigger than Wall Street Lofts. This is about the redevelopment of downtown and committment Council has made to downtown. Think CM was clear tht this would come back tot he Council if it substantilly exceeded 80,000.

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

22. Approved a motion on a request by West Company of Midland to approve items requested for deferral for the Ranchland Acres - Section 4 (Wire Line Accessories), and to waive the associated public improvement guarantee. The subject property is located on the south side of Interstate 20 approximately 400' west of the Midland Dr. (ENGINEERING SERVICES)

Council Member Love moved to approve a motion on a request by West Company of Midland to approve items requested for deferral for the Ranchland Acres - Section 4 (Wire Line Accessories), and to waive the associated public improvement guarantee. The subject property is located on the south side of Interstate 20 approximately 400' west of the Midland Dr.; seconded by Council Member Morales.

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

SECOND READINGS

35. Consider an ordinance on second reading 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) (First reading held February 26, 2013.)

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

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

Council Member James moved to approve the second and final reading 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, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

36. Consider an ordinance on second reading 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) (First reading held February 26, 2013.)

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

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

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

No. 9117 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

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

37. Consider an ordinance on second reading 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) (First reading held February 26, 2013.)

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

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

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9118 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

38. Consider an ordinance on second reading 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) (First reading held February 26, 2013.)

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

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

Council Member Trost moved to approve the second and final reading 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, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

39. Consider an ordinance on second reading on 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) (First reading held February 26, 2013.)

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

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

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9120 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

PUBLIC HEARINGS

40. At approximately 10:30 a.m. hold a public hearing and consider a resolution authorizing the filing of an amendment to the 2013/2014 Action Plan to the Consolidated Plan for Community Development and Housing Funds per amendment documents on file with the City Secretary; said amendment to include the re-allocation of \$158,597 and related budget transfers; and authorizing the consolidation of existing allocations in the homebuyer assistance, lot clearing and owner occupied housing assistance program major projects programs. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 108

RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2012/2013 ACTION PLAN TO THE CITY OF MIDLAND CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT AND HOUSING FUNDS PER AMENDMENT DOCUMENTS ON FILE WITH THE CITY SECRETARY; SAID AMENDMENT TO INCLUDE THE REALLOCATION OF \$158,597.00 AND RELATED BUDGET TRANSFERS; AUTHORIZING THE CONSOLIDATION OF EXISTING ALLOCATIONS OF THE HOMEBUYER ASSISTANCE, LOT CLEARING, AND OWNER-OCCUPIED HOUSING ASSISTANCE MAJOR PROJECTS PROGRAMS; THAT A COPY OF SAID AMENDMENT DOCUMENTS SHALL BE ON FILE IN THE CITY SECRETARY'S OFFICE

Sylvester Cantu stated they have a cbc amendment. met with cdbg council and have agreed to recommendations. Doing housekeeping at this time as well.

Mayor Perry opened the public hearing at 12:48 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 - 108; seconded by Council Member Trost.

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

41. At approximately 10:33 a.m. hold a public hearing and consider an ordinance on a request by Lori Winter for a zone change from 1F-1, One Family Dwelling District and LR-1, Local Retail District to 1F-3, One-Family Dwelling District. Generally located on the southeast corner of the intersection of East Pecan Avenue and Peterson Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9121

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 0.85-ACRE TRACT OF LAND AND A 0.713-ACRE TRACT OF LAND, ALL OUT OF LOT 12 LESS THE EAST 182.4 FEET, BLOCK 15, CORRECTION PLAT RANGLAND HILLS ADDITION, THIRD SECTION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, IN PART, AND LR-1, LOCAL RETAIL DISTRICT, IN PART, TO BE USED AS AN 1F-3, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF EAST PECAN AVENUE AND PETERSON STREET); 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. .

Mayor Perry opened the public hearing at 12:40 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Sparks moved approval of the first of two readings of Ordinance No.

9121 in accordance with the Charter of the City of Midland; seconded by Council Member James.

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

42. At approximately 10:42 A.M. hold a public hearing and consider an ordinance on a request by Texas Roadhouse for an Amended Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 2E, Block 33, Correction Plat Northgate Addition, Section 21, City and County of Midland, Texas. (Generally located on the north side of W. Loop 250 North, approximately 700 feet west of Midland Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9122

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 2E, BLOCK 32, CORRECTION PLAT NORTHGATE ADDITION, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 700 FEET WEST OF MIDLAND DRIVE), 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 RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Steve Thorpe stated a request from Texas Roadhouse to change their sup for the sale of alcoholic beverages. Very similar to Outback Steakhouse. occupancy was recalculated and requested amount of seats was legal occupancy considered for change. Based on fire code. basically want a sup for 150 and then find out that the seats are 240 and want change.

Mayor Perry opened the public hearing at 12:43 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. NUMBER>.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9122 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

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

43. At approximately 10:45 A.M. hold a public hearing and consider a resolution on a request by Heart of America for a Temporary Land Use Permit for a carnival on Lot 1, Block 17, Skyline Terrace, Unit 2, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of West Loop 250 North and North

Midkiff Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 109

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CARNIVAL ON LOT 1, BLOCK 17, SKYLINE TERRACE, UNIT 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST LOOP 250 NORTH AND NORTH MIDKIFF ROAD); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; AND PROVIDING THAT THE CHIEF OF POLICE SHALL ENSURE THAT ALL PARTICIPANTS ARE LICENSED PURSUANT TO TITLE V, CHAPTER 9 OF THE MIDLAND CITY CODE

courtney, annual carnival at midland park mall, hours 5-11 sat and sun 2pm to ?

Mayor Perry opened the public hearing at 12:46 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2013 - 109; seconded by Council Member Dufford.

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

44. At approximately 10:48 A.M. hold a public hearing on a request for voluntary annexation of a 104.50-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located at the south extension of Avalon Drive, approximately 960 feet south of Deauville Boulevard.) (DEVELOPMENT SERVICES)

Mayor abstained and left dais.

Mayor Pro Tem Sparks opened the public hearing at 11:38 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

No further action was taken on this item.

MISCELLANEOUS

45. Consider an ordinance approving a Letter Development Agreement between the Midland Tax Increment Reinvestment Zone No. 1 and Wall Streets Lofts, LLC. (CITY ATTORNEY'S OFFICE)

ORDINANCE NO. 9123

AN ORDINANCE APPROVING A LETTER DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 AND WALL STREET LOFTS, LLC; AND APPROVING THE CONVEYANCE OF APPROXIMATELY .88 ACRES OF REAL PROPERTY LOCATED AT 100 N. MAIN STREET, MIDLAND, TEXAS, TO WALL STREET LOFTS, LLC, PURSUANT TO THE LETTER DEVELOPMENT AGREEMENT; AND SAID REAL PROPERTY HAS AN APPRAISED VALUE OF \$350,000.00; AND THERE IS NO REVERSIONARY CLAUSE

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

Council Member James moved approval of the first of two readings of Ordinance No. 9123 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

46. Approved a resolution approving the issuance of a permit to Petroplex Energy, Inc., (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Western-T 8 #1) located 2,183 feet from the south line and 467 feet from the east line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the west side of the extension of North Midkiff Road, approximately ½ mile north of the extension of Green Tree Boulevard.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 110

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PETROPLEX ENERGY, INC. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,183 FEET FROM THE SOUTH LINE AND 467 FEET FROM THE EAST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF THE EXTENSION OF NORTH MIDKIFF ROAD, APPROXIMATELY ½ MILE NORTH OF THE EXTENSION OF GREEN TREE BOULEVARD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

Ron Jenkins, no leters of objection. Reviewed by O&G Committe, requesting a variance for lanscape. requesting a waiver for Road Repair.

Council Member Sparks moved to adopt Resolution No. 2013 - 110; seconded by Council Member Trost.

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

47. Consider an ordinance for the vacation of a 700 square foot portion of the right-of-way of East Wall Street adjacent to the south 50 feet of Lot 2, Block 47, Original Town, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of East Wall Street and North Marshall Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9124

AN ORDINANCE VACATING AND ABANDONING A 700 SQUARE FOOT PORTION OF EAST WALL STREET RIGHT-OF-WAY ADJACENT TO LOT 2, BLOCK 47, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF EAST WALL STREET AND NORTH MARSHALL STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$560.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

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

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9124 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

Mayor recessed meeting at 11:44 a.m. and noted they would reconvene at 12:30 p.m.

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

No appointments were made.

EXECUTIVE SESSION

49. 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:

no items

adjourned at 12:49 p.m.

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