

**MIDLAND CITY COUNCIL
MINUTES
April 09, 2013**

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 April 09, 2013.

Council Members present: 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: Mayor W. Wesley Perry.

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, Utilities Director Stuart Purvis, Downtown Development Director Genora Young, Engineering Director Jose Ortiz, Building Official Steve Thorpe, Assistant Utilities Director Holly Rojas, Assistant Code Administration Manager Ron Jenkins, Customer Service Manager Tony Goyang, City Engineer David Beard, Transportation Manager Gary Saunders, Public Information Officer Sara Higgins.

1. Receive an update from James Beauchamp of MOTRAN.

James Beauchamp of MOTRAN provided an update noting that last week was the Permian Basin Coalition where they discussed transportation issues in the Permian Basin. He reviewed the amount paid to the State, reviewed current problems in transportation and emphasized the importance of congestion management. He noted that 59 items were up for consideration and he hoped to maximize those funding areas to get as much money back in the district as possible. He shared maps outlining the proposed projects and answered questions.

2. Receive information on water rate changes.

Utilities Director Stuart Purvis explained that there is an item on the City Council Agenda to change water rates. After meeting with the Water Advisory Committee it was determined that it would be good to keep a multiplier on the water rates. They have added a fourth tier of 40,000 gallons and above that will be charged at \$31 per thousand gallons and all other multipliers have been removed. He also spoke about adding commercial requirements noting that since commercial users do not have any high multipliers there is no incentive to conserve water. A new requirement is being added that all commercial users add a landscape meter within the next five years. The bill for the landscape meter will include a high multiplier in order to encourage water conservation.

3. Receive an update from Midland County Fresh Water District regarding T-Bar.

Jose Cuevas, of Midland County Fresh Water District #1, reported that the tanks have been tested, flushed and refilled, and that they have filled 50 miles of the 67 mile pipeline with water. The water will be tested and flushed out. He reported they are constantly impressed with the construction crew and the team, and they have been fortunate to be blessed with good weather. They expect to deliver the project on time.

Jay Edwards, of Parkhill Smith and Cooper, provided pictures of the project showing progress. He stated he was confident they will meet the deadline as well as the extended infrastructure deadline. He reported they are 95 percent complete at the well site, the collection pipeline is 99 percent, the well field tank/ pump station is 90 percent complete, the transmission pipeline is 95 percent complete, the chlorinization station is 88 percent, the terminal site delivery point is 95 percent, and the extended infrastructure is 80 percent complete.

Jose Cuevas reported that this is Black and Veatch's premier project and was one that Midland should be proud of. He noted that the Council would be invited to their next board meeting and that a field trip would be taken to the terminal site.

4. Receive a presentation from Michael Loya of Sustainable Research Center regarding investment of public funds in sustainable construction and public facilities.

Michael Loya of Sustainable Research Center presented a PowerPoint and provided background on the Sustainable Research Center. He provided a sample of their product the Structural Insulated Panels (SIPS). He provided pictures of other relevant projects noting that any type of building material could be applied to the SIPS. He reported that this is not an expensive building material, that it can shorten the construction time and that owners found a savings in the HVAC bills after the project was complete.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:58 a.m.

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:03 a.m., April 09, 2013.

Council Members present: 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: Mayor W. Wesley Perry

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: 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 14, 16, 17, 18, 19, 7, 12, 13, 15, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 24, 40, recess for lunch, 36, 37, 38, 39, 41, 42, 43.

OPENING ITEMS

1. Invocation - Pastor Tommie Hale, Mount Calvary Missionary Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Council Member Love presented a Proclamation for Fair Housing Month to Community Development Manager Sylvester Cantu.
 - b. Council Member Morales read the Proclamation for Prayer for Rain.

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.

Glenda Southerland, 728 Beckley, addressed issue of trash in alleyways and concern about consistency in uniformly enforcing alley maintenance and clean-up by residents.

Mark Torrence, 4719 Erie, spoke in support of the petition for parking restrictions for those who live near Henderson Elementary. (Agenda Item No. 40)

Kay Richmond, 4719 Erie, also spoke in support of the parking petition and asked City Council to approve the item. (Agenda Item No. 40)

CONSENT AGENDA

Council Member James moved to approve Consent Agenda items 5 - 19 excluding 7, 12, 13, and 15; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Love, Morales, Trost, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Perry.

5. Approved a motion approving the following minutes:
 - a. Special meeting of March 18, 2013.
 - b. Regular meeting of March 26, 2013.
 - c. Special meeting of March 27, 2013.
6. Approved a resolution approving agreements for cellular data service for public safety laptops and iPads with AT&T through Texas DIR Contract DIR-SSD-1777; for non-

public safety laptops and mobile wireless devices from Verizon through Texas DIR Contract DIR-SSD-1779; for cellular phones and iPhones from Sprint through Texas DIR Contract DIR-SSD-1780 for the Communication and Information Systems Department. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 112

RESOLUTION APPROVING THE PURCHASE OF CELLULAR DATA SERVICE FOR PUBLIC SAFETY AND NON-PUBLIC SAFETY LAPTOP COMPUTERS, MOBILE WIRELESS DEVICES, CELLULAR PHONES, I-PHONES AND I-PADS, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$175,883.86; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A STATE OF TEXAS COOPERATIVE PROGRAM

8. Approved a resolution approving an annual master agreement for office supplies for the City of Midland. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 114

RESOLUTION APPROVING A THREE-YEAR RENEWABLE PURCHASE AGREEMENT FOR OFFICE SUPPLIES WITH STAPLES CONTRACT & COMMERCIAL, INCORPORATED, OPERATING AS STAPLES ADVANTAGE OF FRAMINGHAM, MASSACHUSETTS, AT AN ANNUAL COST OF \$115,000.00

9. Approved a resolution approving an annual contract for yard waste mulching for the Solid Waste Department. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 115

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH S&M BUSINESSES, INCORPORATED, DBA AUSTIN LAND SERVICE, DBA AUSTIN WOOD RECYCLING, OF CEDAR PARK, TEXAS, FOR MULCHING OF YARD WASTE AND WOOD AT A COST OF \$92,400.00

10. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the construction of Fire Station #10. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 116

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE CONSTRUCTION OF FIRE STATION #10

11. Approved a resolution approving the issuance of request for qualifications for Fire Station 5 and Fire Station 6. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 117

RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE DEMOLITION AND NEW EXPANDED CONSTRUCTION OF FIRE STATION 5 AND FIRE STATION 6

14. Approved resolution authorizing the Office of the City Attorney to respond to all discovery requests arising from the lawsuit styled Richard Sanchez, et al v Union Pacific Railroad, Inc. and Smith Industries, Inc. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2013 - 120

RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO RESPOND TO ALL DISCOVERY REQUESTS ARISING FROM THE LAWSUIT STYLED RICHARD SANCHEZ, ET AL. V. UNION PACIFIC RAILROAD, INC. AND SMITH INDUSTRIES, INC. (441st JUDICIAL DISTRICT COURT, MIDLAND COUNTY, TEXAS; CAUSE NO. CV-49,117) OR THE LAWSUIT STYLED CATHERINE STOUFFER, ET AL. V. UNION PACIFIC RAILROAD, INC. AND SMITH INDUSTRIES, INC. (116th JUDICIAL DISTRICT COURT, DALLAS COUNTY, TEXAS; CAUSE NO. 12-15024); AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO EMPLOY ALL NECESSARY EXPERTS; AND AUTHORIZING THE PAYMENT OF ALL COSTS

16. Approved a resolution authorizing the execution of a Right-of-Way License Agreement between the City of Midland and RSP Permian, LLC, for the purpose of placement, operation and maintenance of three (3) four (4) inch polylines contained within a thirteen and three-eighths (13 3/8) inch steel casing pipe, in a portion of Briarwood Avenue, Sections 23 and 26, Block 40, T-1-S, T&P RR. CO. Survey, City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 122

RESOLUTION AUTHORIZING A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND RSP PERMIAN, L.L.C.; SAID RIGHT-OF-WAY LICENSE IS FOR THE PURPOSE OF ENTERING THE CITY OF MIDLAND'S RIGHT-OF-WAY FOR THE PURPOSE OF PLACEMENT, OPERATION AND MAINTENANCE OF THREE (3) FOUR (4) INCH WATER POLYLINES CONTAINED WITHIN A SIXTEEN (16) INCH STEEL CASING PIPE, IN A PORTION OF BRIARWOOD AVENUE; THE PIPELINE IS LOCATED WITHIN THE CITY OF MIDLAND RIGHT-OF-WAY, SECTIONS 23 AND 26, BLOCK 40, T-1-S, T&P RR CO. SURVEY, 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

17. Approved a motion on a request by S.W., Howell Inc., for West Terminal Addition (Section 2), to approve items requested for deferral in the amount of \$82,500.00, and to waive the associated public improvement guarantee. The subject property is located on the west side of FM 1788 approximately 1¼ miles north of Loop 40 just south of the CRMWD Terminal Reservoir. (ENGINEERING SERVICES)
18. Approved a motion on a request by Landgraf, Crutcher & Associates for the Entrada Estates - Section 2, to approve items requested for deferral, and to waive the associated public improvement guarantee. The subject property is located in the City of Midland ETJ approximately 700 linear feet north of State Highway 191 along the west side of County Road 1278. (City of Midland ETJ) (ENGINEERING SERVICES)
19. Approved a motion on a request by Landgraf, Crutcher & Associates for the Entrada Estates - Section 3, to approve items requested for deferral, and to waive the associated public improvement guarantee. The subject property is located in the City of Midland ETJ approximately 700 linear feet north of State Highway 191 along the east side of County Road 1275. (City of Midland ETJ) (ENGINEERING SERVICES)

The following items were pulled from Consent Agenda and considered individually:

7. Consider a resolution approving the purchase of an armored personnel rescue/recovery vehicle from Lenco Armored Vehicles, Inc. through GSA contract GS-07F-0390M for the Police Department. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 113

RESOLUTION APPROVING THE PURCHASE OF AN ARMORED PERSONNEL RESCUE/RECOVERY VEHICLE THROUGH THE FEDERAL GOVERNMENT SERVICES ADMINISTRATION ("GSA") AT A TOTAL COST OF \$254,993.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

Council Member James asked for feedback from Police Chief Price Robinson.

Police Chief Price Robinson reported that the Police Department has responded to 123 tactical situations, 25 of which, put officers or citizen's lives in danger. The proposed vehicle will allow for personnel rescue and deploying people in high risk situations. He noted that no tax dollars were being used for the purchase of this vehicle.

Council Member Dufford moved to adopt Resolution No. 2013 - 113; seconded by Council Member Morales. The motion carried by the following vote: AYE: Love, Morales, Trost, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Perry.

12. Consider a resolution approving the issuance of a request for qualifications for the renovation of Doug Russell Pool. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 118

RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE RENOVATION OF DOUG RUSSELL POOL

Council Member Trost clarified that the funding for this project was approved in 2012.

Council Member Morales moved to adopt Resolution No. 2013 - 118; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Love, Morales, Trost, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Perry.

13. Consider a resolution rejecting the single bid received from Jarnail Sihota for the sale of Lots 3-A, 4-A and 5-A, Block 3, Midland International Airport Industrial Park Addition, City of Midland, Midland County, Texas. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 119

RESOLUTION REJECTING THE SINGLE BID RECEIVED FOR BID NUMBER 5192-12 FOR SALE OF REAL PROPERTY DESCRIBED AS BEING LOTS THREE A (3A), FOUR A (4A) AND FIVE A (5A), BLOCK THREE (3), MIDLAND INTERNATIONAL AIRPORT INDUSTRIAL PARK, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

Council Member Love asked for an update on this item.

General Services Director Robert Patrick reported he had communication issues with the bidder but has been able to maintain contact with his consultant. August of last year proposals were received but Council gave direction to ensure that a franchise hotel had been approved. The bidder has been working with a franchise but does not yet have one secured. Mr. Patrick asked for direction for Council if they wished to continue pursuing the franchise with the bidder or to reject the bid.

Council Member James moved to adopt Resolution No. 2013 - 119; seconded by Council Member Morales.

Council generally felt that the bidder had adequate time and opportunity to secure a franchise and that it was in the best interest of the City to move on.

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

15. Consider a resolution approving the 2013 "Midland Police Memorial" Ride honoring fallen police officers in the State of Texas. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2013 - 121

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS
APPROVING THE POLICE MEMORIAL RIDE AS A CITY-SPONSORED SPECIAL
EVENT

Council Member Love moved to adopt Resolution No. 2013 - 121 with amendment to allow the City Manager to approve the route as long as it does not go over any railroad tracks; seconded by Council Member Morales. The motion carried by the following vote: AYE: Love, Morales, Trost, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Perry.

SECOND READINGS

20. Consider an ordinance on second reading 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) (First reading held March 26, 2013)

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 Reyes read the caption of Ordinance No. 9121.

Council Member Morales moved to approve the second and final reading of Ordinance No. 9121 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, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Perry.

21. Consider an ordinance on second reading 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 West Loop 250 North, approximately 700 feet west of Midland Drive.) (DEVELOPMENT SERVICES) (First reading held March 26, 2013)

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

Deputy City Secretary Reyes read the caption of Ordinance No. 9122.

Council Member Morales moved to approve the second and final reading of Ordinance No. 9122 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, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Perry.

22. Consider an ordinance on second reading approving a Letter Development Agreement between the Midland Tax Increment Reinvestment Zone No. 1 and Wall Streets Lofts, LLC. (CITY ATTORNEY'S OFFICE) (First reading held March 26, 2013)

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 Reyes read the caption of Ordinance No. 9123.

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

PUBLIC HEARINGS

23. At approximately 10:30 A.M. hold a public hearing and consider an ordinance on a request by KTJ LP One Hundred Twenty Five (south) for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District on 2.00-acre portion of Lot 6, Block 2, Westridge Park Addition, Section 11, City and County of Midland, Texas. (Generally located on the west side of North Loop 250 West, approximately 300 feet north of Deauville Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9125

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.00-ACRE PORTION OF LOT 6, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 11, 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 (FOR A HOTEL DEVELOPMENT) (GENERALLY LOCATED ON THE WEST SIDE OF NORTH LOOP 250 WEST, APPROXIMATELY 300 FEET NORTH OF DEAUVILLE BOULEVARD); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Senior Planner Ken VanDyne gave an overview of the item noting it was for a proposed three to four story hotel site located north of Loop 250. Staff recommended approval of the item.

Council Member James asked if there was a flag associated with the property. Senior Planner VanDyne reported that as of yet there is no brand associated with the hotel.

Council Member James noted that to protect the integrity of the Master Plan the Council should have the ability to okay the brand.

City Attorney Stretcher suggested that the item be approved on first reading and direct staff to have the brand prior to second reading.

Mayor Pro Tem Sparks opened the public hearing at 10:51 a.m.

John Landgraph, Odessa, representing the owner reported they are in discussions with several national chains and are willing to accept having the hotel brand prior to second reading.

There being no one else present wishing to speak the public hearing was closed at 10:52 a.m.

Deputy City Secretary Reyes read the caption of Ordinance No. 9125.

It was noted for the record that a hotel chain needed to be secured prior to second reading.

Council Member Morales moved approval of the first of two readings of Ordinance No. 9125 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, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Perry.

24. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Larry Carrasco for a zone change from MH, Manufactured Home District to LR-3, Local Retail District on Lot 9, Block 189, Southern Addition, City and County of Midland, Texas. (Generally located on the east side of South Fort Worth Street, approximately 150 feet south of East Florida Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9126

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 9, BLOCK 189, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED MH, MANUFACTURED HOME DWELLING DISTRICT, TO BE USED AS AN LR-3, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH FORT WORTH STREET, APPROXIMATELY 150 FEET SOUTH OF EAST FLORIDA AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Senior Planner Ken VanDyne gave an overview of the item noting it was a request to rezone a mobile housing district for a vacant lot to allow for redevelopment of a restaurant.

Mayor Pro Tem Sparks opened the public hearing at 12:57 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Reyes read the caption of Ordinance No. 9126.

Council Member Morales moved approval of the first of two readings of Ordinance No. 9126 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, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Perry, Dufford.

25. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by KTJ LP One Hundred Twenty Five (north) for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District on a 2.12-acre portion of Lot 6, Block 2, Westridge Park Addition, Section 11, City and County of Midland, Texas. (Generally located on the west side of North Loop 250 West, approximately 300 feet north of Deauville Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9127

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.12-ACRE PORTION OF LOT 6, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 11, 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 (FOR A HOTEL DEVELOPMENT) (GENERALLY LOCATED ON THE WEST SIDE OF NORTH LOOP 250 WEST, APPROXIMATELY 300 FEET NORTH OF DEAUVILLE BOULEVARD); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Senior Planner Ken VanDyne gave an overview of the item noting it was for a three to four story hotel with 105 units. Staff recommended approval.

Mayor Pro Tem Sparks opened the public hearing at 10:57 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Reyes read the caption of Ordinance No. 9127.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9127 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

It was iterated that the hotel needed to have a flag prior to final approval.

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

26. At approximately 10:39 A.M. hold a public hearing and consider an ordinance on a request by Midland Park Mall for a zone change from PD, Planned District for a Shopping Center to an Amended Planned District on a 0.791-acre portion of Lot 1, Block 17, Skyline Terrace, Unit 2, City and County of Midland, Texas. (Generally located on the west side of North Midkiff Road, approximately 200 feet south of West Loop 250 North.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9128

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 0.791-ACRE PORTION OF LOT 1, BLOCK 17, SKYLINE TERRACE, UNIT 2, 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 SOUTHWEST CORNER OF LOOP 250 AND MIDKIFF ROAD); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND

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

Senior Planner Ken VanDyne gave an overview of the item noting this zone change was for the development of a Jared Jewelers who is looking to build a 6,600 square foot building. Staff recommended approval. He answered questions noting there would be adequate parking and that it would not conflict with the temporary event planned in that location.

Mayor Pro Tem Sparks opened the public hearing at 11:03 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Reyes read the caption of Ordinance No. 9128.

Council Member Trost moved approval of the first of two readings of Ordinance No. 9128 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, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Perry.

27. At approximately 10:42 A.M. hold a public hearing and consider a resolution on a request by Robert Ahola for a Temporary Land Use Permit for a Tent Sale 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 - 123

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN OUTDOOR TENT SALE 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

Senior Planner Ken VanDyne gave an overview of the item noting the temporary use is for a tent sale that will run for 17 days to sell carpets and oriental rugs. The tent will be inspected by the Fire Marshall and he reported there were no problems in previous years. Staff recommended approval.

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

Council Member Love moved to adopt Resolution No. 2013 - 123; seconded by Council Member James. The motion carried by the following vote: AYE: Love, Morales, Trost, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Perry.

28. At approximately 10:45 A.M. hold a public hearing and consider an ordinance on a request by Mike Massey for a zone change from PD, Planned District for an Office Center on Lot 1 and the north 40 feet of Lot 2, Block 5; from O-1, Office District, on the south 160 feet of Lot 2 and Lots 3 through 5, Block 5 and on Lots 11 through 14, Block 6; from MF-1 Multiple Family Dwelling District on Lot 10, Block 6; and from 2F-Two-Family Dwelling District on Lots 1 through 9, Block 6, and Lots 1 through 9, Block 7, to

PD, Planned District for a Housing Development, all out of Corporate Plaza, Section 4, City and County of Midland, Texas. (Generally located on the east side of Edwards Street, approximately 870 feet north of East Wadley Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9129

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1-5, BLOCK 5, LOTS 10-14, BLOCK 6, LOTS 1-9, BLOCK 6, AND LOTS 1-9, BLOCK 7, CORPORATE PLAZA, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 2F, TWO-FAMILY DWELLING DISTRICT, IN PART, MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, O-1, OFFICE DISTRICT, IN PART, AND PD, PLANNED DISTRICT FOR AN OFFICE CENTER, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE NORTHEAST CORNER OF EDWARDS STREET AND SPRING PARK DRIVE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Senior Planner Ken VanDyne gave an overview of item noting the item was to rezone various districts for a large housing development that would contain 300 dwelling units. Eight letters of opposition have been received.

Council Member Love asked if the City had enough room behind the project and by the draw to install needed amenities such as hike and bike trails. Mr. VanDyne deferred to the Engineer.

Mayor Pro Tem Sparks opened the public hearing at 11:19 a.m.

Andrew Mellon, 1909 W. Wall, showed on the map that the City would have adequate access around the draw and addressed questions about drainage on phase II noting that there was an existing easement and that they will site engineer drainage issues.

Joe Rivera, 311 Fiesta, reported he lives south of this project. He asked the Council to consider entrances and exits noting it would increase traffic. He also suggested they clean the property on the south side. He noted he was not opposed to the development but concerned about traffic.

Andrew Mellon reported he is aware of the trash issue in the area and they are planning on cleaning the construction site as they do the construction.

There being no one else wishing to speak, the public hearing was closed at 11:22 a.m.

Deputy City Secretary Reyes read the caption of Ordinance No. 9129.

Council Member Love moved approval of the first of two readings of Ordinance No. 9129 in accordance with the Charter of the City of Midland; seconded by Council Member Trost. The motion carried by the following vote: AYE: Love, Morales, Trost, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Perry.

29. At approximately 10:48 A.M. hold a public hearing and consider an ordinance on a request by Charlie Nicholas for a zone change from MF-1, Multiple Family Dwelling District to PD, Planned District for a Housing Development on Lot 11A, Block 9, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Briarwood Avenue and Mathis Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9130

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 11A, BLOCK 2, GREATHOUSE ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF BRIARWOOD AVENUE AND MATHIS 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

Senior Planner Ken VanDyne gave an overview of the item noting this was for an apartment building with a density of 22 units per acre. Staff felt the site plan was sensitive to neighbors in area and is in favor of the design.

Mayor Pro Tem Sparks opened the public hearing at 11:29 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Reyes read the caption of Ordinance No. 9130.

Council Member Love moved approval of the first of two readings of Ordinance No. 9130 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

30. At approximately 10:51 A.M. hold a public hearing and consider an ordinance on a request by Grace Partnership, LLC for a zone change from LR-2, Local Retail District to PD, Planned District for a Shopping Center, Lots 1 through 4, Block 3, Gateway Plaza, Section 3, City and County of Midland, Texas. (Generally located on the north side of Starboard Drive, west of South Loop 250 West.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9131

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1-4, BLOCK 3, GATEWAY PLAZA, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (FOR A HOTEL DEVELOPMENT) (GENERALLY LOCATED ON THE NORTH SIDE OF STARBOARD DRIVE, WEST OF SOUTH LOOP 250 WEST); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE

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

Senior Planner Ken VanDyne gave an overview of the item noting this was a request for the first hotel in this location. It will be a 5-story hotel with 108 rooms located to the northeast of the new Cynergy Center that is currently under construction.

Mayor Pro Tem Sparks opened the public hearing at 11:41 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Reyes read the caption of Ordinance No. 9131.

Council Member Trost moved approval of the first of two readings of Ordinance No. 9131 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, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Perry.

31. At approximately 10:54 A.M. hold a public hearing and consider an ordinance on a request by Ron Childress for zone change from PD, Planned District for a Shopping Center to an Amended Planned District on a 0.30-acre portion of Lot 19, Block 5, North Park, Section 15, City and County of Midland, Texas. (Generally located on the north side of West Loop 250 North, approximately 700 feet west of Whitman Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9132

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 0.30-ACRE PORTION OF LOT 19, BLOCK 5, NORTH PARK, SECTION 15, 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 NORTH SIDE OF LOOP 250, APPROXIMATELY 700 FEET WEST OF WHITMAN DRIVE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Senior Planner Ken VanDyne gave an overview of the item noting two businesses would be established on the location. Staff recommended approval. He answered questions about property the property setback.

Mayor Pro Tem Sparks opened the public hearing at 11:45 a.m.

Ron Childress, Lubbock, Developer noted the exterior building materials would be similar to what is already constructed and they may slightly modify the design such as making the towers more narrow or shorter. He confirmed that one of the sites will be a restaurant and that they have the option to purchase the property to the east.

There being no one else wishing to speak, the public hearing was closed at 11:49 a.m.

Deputy City Secretary Reyes read the caption of Ordinance No. 9132.

Council Member James moved approval of the first of two readings of Ordinance No. 9132 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, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Perry.

32. At approximately 10:57 A.M. hold a public hearing and consider an ordinance on a request by The Blue Door, LLC for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, on a 2,108 square feet portion of Lot 1, Block 8, Polo Park Section III, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of North Garfield Street and W. Loop 250 North.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 9133

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 2,108 SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK SECTION III, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH GARFIELD STREET AND WEST LOOP 250 NORTH), 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 LOUNGE FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Senior Planner Ken VanDyne gave an overview of the item noting there is an existing SUP that will be amended due to remodeling.

Mayor Pro Tem Sparks opened the public hearing at 11:54 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Reyes read the caption of Ordinance No. 9133.

Council Member James moved approval of the first of two readings of Ordinance No. 9133 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, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Trost, Perry.

33. At approximately 11:00 a.m. hold a public hearing regarding a proposed oil and gas permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 22C #2) located 467 feet from the east line and 467 feet from the south line located in Section 22, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located approximately 430 feet north of Briarwood Avenue, north of North County Road 1250.) (DEVELOPMENT SERVICES)

Oil and Gas Compliance Officer Ron Jenkins gave an overview of item noting that the Oil & Gas Committee had reviewed the item and that no letters of objection had been received.

Mayor Pro Tem Sparks opened the public hearing at 11:57 a.m.

Paul Morrow, expressed concern about wells being drilled in the area noting he did not have a problem during the daytime but the noise increased at night. He asked that sound walls be considered for this project to shelter the neighborhood from noise.

Mayor Pro Tem Sparks asked Mr. Jenkins to speak to Callon regarding the request for sound walls and to convey the neighbors concern for noise.

Monty Biggs, 5108 Trobaugh, reported that they have not used sound walls in the past and that he was a contractor for Callon and did not wish to answer on their behalf if they would be okay with that request.

There being no one else present wishing to speak, the public hearing was closed at 12:01 p.m. No further action was taken on this item.

34. At approximately 11:03 a.m. hold a public hearing regarding a proposed oil and gas permit to Vector Oil & Gas LP (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Barron #2) located 2,050 feet from the north line and 2,071 feet from the west line located in Section 6, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of Oriole Drive, approximately ½ mile south of the Mockingbird Lane.) (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave an overview of the item noting the application had been reviewed by the Oil & Gas Advisory Committee. They recommended a couple of item be fixed. No variances were being requested and one letter of objection had been received. The Committee voted unanimously to recommend approval of the item.

Mayor Pro Tem Sparks opened the public hearing at 12:03 p.m.

Karen McNealy, 4515 Meadowlark Lane, indicated this would not be the closest well to her home but one well was planned to be closer. She noted the current two wells on the site were very noisy and asked if some type of noise buffer could be included for this and future wells.

Linda Holmquist, 4515 Cardinal Lane, expressed concern for her water well. She appreciated the information that was included in the notice about how to notify to have water wells tested. She stated it was a please to work with both Mr. Jenkins and Vector Oil and Gas noting they have been very respectful about her concerns.

Mayor Pro Tem Sparks asked Mr. Jenkins to extend to Vector Oil & Gas the information about the request for sound walls.

Council Member Love suggested considering requiring mufflers and or sound walls as wells come closer to neighborhoods. Oil & Gas Compliance Officer Jenkins noted that

any item can be requested by the City Council.

Mayor Pro Tem Sparks noted that this is the time to suggest when sound buffers are needed and that it may not be necessary to request them for every well.

Linda Holmquist reported she can hear noise on the west side of Holiday Hill Road and has concern of increased density. She asked for advice in posting a No Trespassing sign but City Attorney Stretcher stated he would be reluctant to offer advice.

Mike Wallace, 200 Blackberry Circle, reported he was a partner in Vector and that this is the third well that will be drilled on this 160-acre tract. They have not requested any variances. He reported there is already a hospital grade muffler on the first two wells and reported he has not received a single phone call regarding any noise complaints. He would be happy to speak with the neighbors about testing their water as often as they would like. He noted they have approval from the surface owner to drill the well and that the area around the wells will be developed with a number of homes.

Paul Morrow, 5018 Trobaugh, suggested that there should be a specific distance requirement for sound barriers.

There being no one else wishing to speak, the public hearing was closed at 12:14 p.m. No further action was taken on this item.

35. At approximately 11:06 A.M. hold a public hearing and consider an ordinance on a request by Richard Tatsch (Douglas Avenue) for a zone change from 1F-1, One-Family Dwelling District to PD, Planned District for Housing Development on Lots 1 through 6, Block 7, Langford-Weatherred Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of North "A" Street and Douglas Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9134

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1-6, BLOCK 7, LANGFORDWEATHERRED ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F- 1, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF NORTH "A" STREET AND DOUGLAS AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Senior Planner Ken VanDyne gave an overview of the item noting the developer was planning to build 16 townhouses across from Bowie Elementary. There was public opposition at the Planning and Zoning Commission. Staff recommended approval of the project.

Mayor Pro Tem Sparks opened the public hearing at 12:20 p.m.

Richard Tatsch, 4717 Boulder Drive, the developer, reported he has been in contact with the neighbors. Their objections include dust and traffic. He noted he would pave

the alley if it was an issue and he was willing to work with their requests.

When asked about parking along Club Drive, Mr. Tatsch asked that he would like to preserve parking on Club Drive. He explained the building materials that would be used noting it would be tastefully done. The units would have granite countertops and customer cabinets. His beginning price point is \$169,000 for a two bedroom two bathroom unit and \$239,000 for a three bedroom three bathroom.

Marinda Diehl, 1505 Ridglea, expressed concern for her neighborhood noting there are only 13 homes in the area surrounded by a cemetery and an alley. Their only access point is A Street. She reported they are unique because they have to deal with both the City and the County. She reminded Council of their duties to the citizens and put them on notice for signage issues in the neighborhood.

Doug Page, 611 W. Estes, reiterated Ms. Diehl's comments specifically about being compliant with the comprehensive plan. He stated there would be an impact on the neighborhood and felt the approval of this development would be at the expense of the current residents in their neighborhood.

There being no one else wishing to speak, the public hearing was closed at 12:38 p.m.

Deputy City Secretary Reyes read the caption of Ordinance No. 9134.

A motion was made and seconded for approval of the first of two readings of Ordinance No. 9134 in accordance with the Charter of the City of Midland.

Discussion ensued about density issues and the claimed unique qualities of the area. It was suggested to defer the item to a future meeting to see if a solution could be found. It was noted that the majority of the opposition at the Planning & Zoning Commission was due to traffic concerns.

Mr. Tatsch reported he is okay with continuing the item to try to get the issues resolved.

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

MISCELLANEOUS

36. Consider an ordinance changing the Parade and Special Events Ordinance. (CITY MANAGER'S OFFICE)

ORDINANCE NO. 9135

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER 1, "GENERAL TRAFFIC REGULATIONS", SECTION 2, "PERMIT REQUIRED FOR PARADES AND PROCESSIONS", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO CLARIFY THE PERMITTING PROCESS AND OTHER REGULATIONS RELATED TO SPECIAL EVENTS; CONTAINING A PROCESS FOR APPEALING THE DENIAL OF A PERMIT; CONTAINING A CUMULATIVE CLAUSE AND EXPRESSLY REPEALING ANY ORDINANCE OR PORTION THEREOF IN CONFLICT WITH THIS

ORDINANCE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00) AND NOT REQUIRING A CULPABLE MENTAL STATE; ESTABLISHING AN EFFECTIVE DATE OF MAY 10, 2013; AND ORDERING PUBLICATION; AND THIS ORDINANCE SHALL APPLY TO ALL PERMITS ISSUED ON OR AFTER MAY 10, 2013

Deputy City Secretary Reyes read the caption of Ordinance No. 9135.

Council Member Morales moved approval of the first of two readings of Ordinance No. 9135 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

City Attorney Stretcher reported that this ordinance would reduce the insurance requirement to \$1 million and that the requirement for applicants to cover participants was being deleted.

Council Member Sparks clarified the main changes included changing the request period from 30 days to 15 days prior to the event and that the insurance requirements return to what was previously requested largely because the City has obtained its own insurance.

Discussion ensued about whether the City should worry about the applicant's risk. It was suggested that the City recommend but not require insurance during the permitting process. City Attorney Stretcher noted that an applicant could come before the Council on an individual basis and ask the Council to waive the insurance requirement. It was suggested that the Council either require insurance of everyone or no one.

Council asked how this new ordinance would affect applicants such as the Patriot Guard Riders. City Attorney Stretcher responded that the proposed Ordinance does not address that issue noting the Mayor has issued a letter for the Patriot Guard interpreting that they come under the funeral exception.

Council Member Trost moved to amend the motion to not require permit applicants to carry insurance but to suggest they carry insurance; seconded by Council Member Dufford. Following brief discussion the motion to amend carried by the following vote: AYE: Love, Morales, Trost, Dufford, Sparks. NAY: None. ABSTAIN: None. ABSENT: Perry, James.

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

37. Consider a motion directing staff to begin the annexation of approximately 40.5 acres of land upon request by the property owner. (DEVELOPMENT SERVICES)

Council Member Love moved to approve a motion directing staff to begin the annexation of approximately 40.5 acres of land upon request by the property owner; seconded by Council Member Morales. The motion carried by the following vote: AYE: Love, Morales, Trost, Dufford, Sparks. NAY: None. ABSTAIN: None. ABSENT: Perry, James.

38. Consider a motion directing staff to begin the annexation of approximately 308 acres of

land as defined in the Agricultural Exemption Development Agreement. (DEVELOPMENT SERVICES)

Council Member Dufford moved to approve a motion directing staff to begin the annexation of approximately 308 acres of land as defined in the Agricultural Exemption Development Agreement.; seconded by Council Member Love. The motion carried by the following vote: AYE: Love, Morales, Trost, Dufford, Sparks. NAY: None. ABSTAIN: None. ABSENT: Perry, James.

39. Consider a motion directing staff to begin the annexation of approximately 54 acres of land as defined in the Agricultural Exemption Development Agreement. (DEVELOPMENT SERVICES)

Council Member Love moved to approve a motion directing staff to begin the annexation of approximately 54 acres of land as defined in the Agricultural Exemption Development Agreement.; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Love, Morales, Trost, Dufford, Sparks. NAY: None. ABSTAIN: None. ABSENT: Perry, James.

40. Consider an ordinance prohibiting parking between 7:30 A.M. and 4:30 P.M. on school days only upon portions of certain streets in the vicinity of Henderson Elementary School; except to residents whose property abuts such streets and have obtained a valid parking permit. (ENGINEERING SERVICES)

ORDINANCE NO. 9136

AN ORDINANCE PROHIBITING PARKING BETWEEN 7:30 A.M. AND 4:30 P.M. ON SCHOOL DAYS ONLY UPON PORTIONS OF CERTAIN STREETS IN THE VICINITY OF HENDERSON ELEMENTARY SCHOOL DESCRIBED AS ON THE NORTH SIDE OF GRACELAND DRIVE FROM THE NORTH SOUTH ALLEY WEST OF BENTWOOD DRIVE CONTINUING EAST A DISTANCE OF 921 FEET TO THE NORTH SOUTH ALLEY OF ERIE DRIVE, AND FROM THE WEST SIDE OF BENTWOOD DRIVE FROM THE CENTERLINE OF GRACELAND DRIVE CONTINUING NORTH A DISTANCE OF 368 FEET, AND ON THE EAST SIDE OF BENTWOOD DRIVE FROM THE CENTERLINE OF GRACELAND DRIVE CONTINUING NORTH A DISTANCE OF 398 FEET, AND ON THE WEST SIDE OF WILSHIRE DRIVE FROM THE CENTERLINE OF GRACELAND DRIVE CONTINUING NORTH A DISTANCE OF 372 FEET, AND ON THE EAST SIDE OF WILSHIRE DRIVE FROM THE CENTERLINE OF GRACELAND DRIVE CONTINUING NORTH A DISTANCE OF 271 FEET, AND ON THE WEST SIDE OF ERIE DRIVE FROM THE CENTERLINE OF GRACELAND DRIVE CONTINUING NORTH A DISTANCE OF 238 FEET, AND ON THE EAST SIDE OF ERIE DRIVE FROM THE CENTERLINE OF GRACELAND DRIVE CONTINUING NORTH A DISTANCE OF 397 FEET EXCEPT TO RESIDENTS WHOSE PROPERTY ABUTS SUCH STREET AND HAVE OBTAINED A VALID PARKING PERMIT; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO ERECT APPROPRIATE SIGNS; DECLARING ANY VEHICLE IN VIOLATION OF THE PROVISIONS OF THIS ORDINANCE A NUISANCE AND PROVIDING FOR THE REMOVAL OF SAME; 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

Transportation Director Gary Saunders gave an overview of the item noting it was a

request for parking by permit only similar to what has been done at other school locations due to people dropping off or picking up children blocking driveways and creating litter around the area during particular times. He expressed concern that they may be creating a bigger problem of causing stacking at pick up and drop off locations.

Deputy City Secretary Reyes read the caption of Ordinance No. 9136.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9136 in accordance with the Charter of the City of Midland; seconded by Council Member James.

Following discussion City Manager Sharp noted he would ask the Police Department to patrol the area in order to enforce the laws already in place.

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

41. Consider an ordinance amending Title III, "Departments", Chapter 1, "Water Department", Section 2, "Rates", Subsection (A), "Customers Inside of City Limits", of the City Code of Midland, Texas, so as to 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. (UTILITIES)

ORDINANCE NO. 9137

AN ORDINANCE AMENDING TITLE III, "DEPARTMENTS", CHAPTER 1, "WATER DEPARTMENT", SECTION 2, "RATES," SUBSECTION (A), "CUSTOMERS INSIDE OF CITY LIMITS," SUB-SUBSECTION 1, "WATER RATES," OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO CHANGE THE RATES CHARGED FOR WATER SERVICES AND REQUIRE INSTALLATION OF SEPARATE WATER METERS FOR OUTSIDE IRRIGATION BY COMMERCIAL CUSTOMERS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM FINE OR PENALTY OF FIVE HUNDRED (\$500.00) DOLLARS; AND ORDERING PUBLICATION; AND THE CITY MANAGER SHALL NOTIFY ALL CUSTOMERS OUTSIDE THE CITY LIMITS AS REQUIRED BY STATE LAW

Deputy City Secretary Reyes read the caption of Ordinance No. 9137.

Council Member Love moved approval of the first of two readings of Ordinance No. 9137 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, Dufford, Sparks. NAY: None. ABSTAIN: None. ABSENT: Perry, James.

42. Consider a motion making appointments to various Boards and Commissions.

No appointments were made.

EXECUTIVE SESSION

43. Mayor Pro Tem Sparks announced that pursuant to Texas Government Code §551.101,

the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:

a. Section 551.087 Deliberation Regarding Economic Development Negotiations.

a.1. Discuss business prospects that the City seeks to have, locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

Mayor Pro Tem Sparks recessed the meeting to Executive Session at 1:17 p.m. noting that the Council would return to regular session at 2:00 p.m. to hear the remainder of the items. The Council met in Executive Session until 1:40 p.m.

Mayor Pro Tem Sparks reconvened the meeting to Regular Session at 2:00 p.m.

All of the business at hand having been completed, the meeting adjourned at 2:35 p.m.

PASSED AND APPROVED the 23rd day of April, 2013.

W. Wesley Perry, Mayor

ATTEST:

Amy M. Turner, City Secretary