MIDLAND CITY COUNCIL
MINUTES
April 24, 2012

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:00 a.m. on April 24, 2012.

Council Members present: Mayor W. Wesley Perry, Mayor Pro Tem Jerry Morales (At-Large), Council Member Scott Dufford (At-Large), Council Member Jeff Sparks (District 1), Council Member Vicky Hailey (District 2), 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, Development Services Director Rick Crownover, Police Chief Price Robinson, General Services Director Robert Patrick, Utilities Director Stuart Purvis, Planning Division Manager Cameron Walker, Building Official Steve Thorpe, GIS Manager Bill Hodge, City Engineer David Beard, Public Information Officer Tasa Watts, and Community Development Manager Sylvester Cantu.

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at ___ a.m., April 24, 2012.

Council Members present: Mayor W. Wesley Perry, Mayor Pro Tem Jerry Morales (At-Large), Council Member Scott Dufford (At-Large), Council Member Jeff Sparks (District 1), Council Member Vicky Hailey (District 2), Council Member John James (District 3), and Council Member Michael Trost (District 4).

Staff members present at the annex table: City Manager Courtney Sharp, City Attorney Keith Stretcher, Deputy City Manager Tommy Hudson, and Assistant City Manager Jim Nichols.

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:02

1. Invocation - Terry Rothermich, Memorial Christian Church-Disciples of Christ

2. Pledge of Allegiance

PRESENTATIONS

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

   a. Presentation of a Proclamation for Municipal Clerks Week.

PUBLIC COMMENT

none.

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

   There was no one present wishing to speak.

CONSENT AGENDA

Council Member Morales moved to approve Consent Agenda items 5 - 17 excluding ; seconded by Council Member Hailey.

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

5. Approved a motion approving the following minutes:

   a. Regular Meeting of April 10, 2012

6. Approved a resolution approving a master agreement for an estimated annual supply of fertilizer for the Spraberry Farm for the Utilities Department. (General Services)

RESOLUTION NO. 2012 - 113

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE PURCHASE OF FERTILIZER OF ASSORTED TYPES AND IN ASSORTED VOLUMES FOR OPERATIONS AT THE SPRABERRY FARM, FROM HELENA CHEMICAL COMPANY OF STANTON, TEXAS, AT AN ESTIMATED TOTAL COST OF $115,000.00

7. Approved a resolution approving the purchase of 35,750 pounds of seed for the Spraberry Farm for the Utilities Department. (General Services)

RESOLUTION NO. 2012 - 114

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, AND CURTIS & CURTIS SEED, INCORPORATED, OF CLOVIS, NEW MEXICO, AT A TOTAL COST OF $73,967.40

8. Approved a resolution approving the purchase of 16 police cameras from Visual Pro360 in accordance with State of Texas DIR contract #DIR-SDD-1365. (General Services)

RESOLUTION NO. 2012 - 115

RESOLUTION APPROVING THE PURCHASE OF SIXTEEN (16) VIDEO CAMERAS FOR USE IN POLICE CARS THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF $78,848.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A STATE OF TEXAS COOPERATIVE PROGRAM

9. Approved a resolution approving plans and specifications and authorizing advertisement for bids for labor, material, equipment and supervision necessary to clean and paint all blue and silver surfaces including structures supporting the video boards at both Grande Stadium and Citibank Ballpark for the Community Services Department. (General Services)

RESOLUTION NO. 2012 - 116

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS TO CLEAN AND RE-PAINT ALL BLUE AND SILVER SURFACES AT GRANDE COMMUNICATIONS STADIUM AND CITIBANK BALLPARK

10. Approved a resolution approving the purchase of an ambulance manufactured by Frazer, Ltd. through HGAC from Sterling McCall Ford, their licensed dealer, for the Garage Division. (General Services)

RESOLUTION NO. 2012 - 117

RESOLUTION APPROVING THE PURCHASE OF A CAB, CHASSIS AND AMBULANCE BODY THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (HGAC) AT A TOTAL COST OF $173,200.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING AGENCY

11. Approved a resolution approving the issuance of a request for proposal for mass communications services for the Communication and Information Systems Department and authorizing advertisement for proposals. (General Services)

RESOLUTION NO. 2012 - 118

RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS FOR HOSTED MASS COMMUNICATION SERVICES WHICH WILL ALLOW EMERGENCY AND NON-EMERGENCY NOTIFICATION OF CITIZENS IN THE CITY OF MIDLAND AND IN MIDLAND COUNTY

12. Approved a resolution authorizing the execution of a land lease agreement for Airport Hangar Facility between OGM Aviation, LLC and the City of Midland, Texas in Lot 4B, Block 11, (Lease Tract #10) Midland International Airport, Industrial Park Addition, Section 6, Midland County, Texas. (Airport)

RESOLUTION NO. 2012 - 119

RESOLUTION AUTHORIZING THE EXECUTION OF A LAND LEASE AGREEMENT WITH OGM AVIATION LLC FOR HANGAR DEVELOPMENT LOCATED ON A 0.24 ACRE TRACT OF LAND LOCATED IN LOT 4B, BLOCK 11, MIDLAND INTERNATIONAL AIRPORT, INDUSTRIAL PARK ADDITION, SECTION 6, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

13. Approved a resolution authorizing the advertising of bids for the project described as Executive Apron Reconstruction - Area B (7081) at Midland International Airport. (Airport)

RESOLUTION NO. 2012 - 120

RESOLUTION APPROVING PLANS AND SPECIFICATIONS PREPARED BY PARKHILL, SMITH AND COOPER, INCORPORATED, AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE CITY OF MIDLAND PROJECT DESCRIBED AS EXECUTIVE APRON RECONSTRUCTION AREA B PROJECT (7081) AT THE MIDLAND INTERNATIONAL AIRPORT

14. Approved a resolution authorizing the Mayor, City Manager and City Attorney to attest and execute Federal Aviation Administration Grant #53 funding the Executive Apron Reconstruction - Area B (7081) at Midland International Airport upon receipt from the Federal Aviation Administration. (Airport)

RESOLUTION NO. 2012 - 121

RESOLUTION AUTHORIZING THE MAYOR, CITY MANAGER, AND THE CITY ATTORNEY TO ATTEST AND EXECUTE FEDERAL AVIATION ADMINISTRATION GRANT NUMBER 53 IN THE ESTIMATED AMOUNT OF $3,094,224.00 UPON RECEIPT FROM THE FEDERAL AVIATION ADMINISTRATION; SAID GRANT WILL FUND NINETY PERCENT (90%) OF THE PROJECT DESCRIBED AS EXECUTIVE APRON RECONSTRUCTION AREA B AT THE MIDLAND INTERNATIONAL AIRPORT; SAID GRANT FUNDS ARE TO BE DEPOSITED IN THE AIRPORT FUND UPON RECEIPT

15. Approved a resolution approving a cost-sharing agreement between the Midland Development Corporation and Schlumberger Technology Corporation for construction of a water line that will serve a 78.22-acre tract of land out of Section 11, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, that is owned by the Midland Development Corporation. (City Attorney)

RESOLUTION NO. 2012 - 122

RESOLUTION APPROVING A COST-SHARINGAGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND SCHLUMBERGER TECHNOLOGY CORPORATION FOR CONSTRUCTION OF A WATER LINE THAT WILL SERVE A 78.22-ACRE TRACT OF LAND OUT OF SECTION 11, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND COUNTY, TEXAS, THAT IS OWNED BY THE MIDLAND DEVELOPMENT CORPORATION

16. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the FY 2012 Mill and Overlay Project at an estimated cost of $1,500,000. (Transportation)

RESOLUTION NO. 2012 - 123

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE FISCAL YEAR 2012 MILL AND STREET PAVING OVERLAY PROJECT; SAID PROJECT WILL BE FOR THE REPAVING OF CERTAIN STREETS WITHIN THE CITY OF MIDLAND

17. Approved a motion approving a proposed preliminary plat of Legends Park, Section 4, being a 108.038-acre tract of land out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located northwest of the intersection of Tradewinds Boulevard and Champions Drive.) (Planning)

SECOND READINGS

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

ORDINANCE NO. 8998

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

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

Council Member Morales moved to approve the second and final reading of Ordinance No. 8998 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

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

ORDINANCE NO. 8999

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

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

Council Member Hailey moved to approve the second and final reading of Ordinance No. 8999 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

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

ORDINANCE NO. 9000

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

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

Council Member Hailey moved to approve the second and final reading of Ordinance No. 9000 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

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

ORDINANCE NO. 9001

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

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

Council Member James moved to approve the second and final reading of Ordinance No. 9001 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

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

ORDINANCE NO. 9002

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

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

Council Member Morales moved to approve the second and final reading of Ordinance No. 9002 in accordance with the Charter of the City of Midland; seconded by Council Member James.

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

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

ORDINANCE NO. 9003

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

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

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9003 in accordance with the Charter of the City of Midland; seconded by Council Member Hailey.

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

24. Consider an ordinance on second reading on a request by Mike Gilbert for a zone change from AE, Agriculture Estate District to C-3, Commercial District on a 10.00-acre tract of land out of the NW/4 of Section 40, Block 38, T-1-S, T&P RR Co. Survey and Midland County of midland, Texas. (Generally located on the northeast corner of the intersection of East Highway 80 and Elkins Road.) (Planning)

ORDINANCE NO. 9004

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 10.00-ACRE TRACT OF LAND OUT OF THE NORTHWEST QUARTER OF SECTION 40, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A C-3, COMMERCIAL DISTRICT (GENERALLY LOCATED ON THE NORTHEAST CORNER OF ELKINS ROAD AND EAST BUSINESS INTERSTATE 20); 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 Garcia read the caption of Ordinance No. 9004 .

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

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

PUBLIC HEARINGS

25. At approximately 10:30 a.m. hold a public hearing and consider a resolution on a request by Our Lady of Guadalupe Catholic Church for a Temporary Land Use Permit for a Church Fair on Lots 8 and 13A, Block 7, Glendale Addition, Section 2, City and County of Midland, Texas. (Generally located near the northeast corner of the intersection of Garden Lane and N. Tyler Street.) (Planning)

RESOLUTION NO. 2012 - 124

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH FAIR ON LOTS 8 AND 13A, BLOCK 7, GLENDALE, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NEAR THE NORTHEAST CORNER OF THE INTERSECTION OF GARDEN LANE AND NORTH TYLER STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Walker gave an overview of the item Mr. Diaz is present church fair proposed Friday the 4th through Sunday. Music and noise are reduced at 10 p.m. is proposed alcoholic beverage no leters of objection.

Mayor Perry opened the public hearing at 10:46 a.m.

Patrick Thompson with __ faith ministries corner of Garden Lane and Tyler. Want to make sure have services and need to find out if they need to take physical possesion of their property. Wes give direction about who will set up barriers. David Dais, 5101 Sherwood, not closing anh public streets or alleyways and not intended to clsoe anybody down. Most hcurch servcies take place early morning and do not start any day before 12 noon. Perry asked to meet with church. cph 10:48

Council Member Sparks moved to adopt Resolution No. 2012 - 124; seconded by Council Member Trost.

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

26. At approximately 10:33 a.m. hold a public hearing and consider an ordinance on a request by Second Baptist Church for a Planned District Site Plan on Lot 18D, Block 14, Briarwood Addition, Section 20, City and County of Midland, Texas. (Generally located on the north side of Briarwood Avenue, approximately 520 feet east of Oriole Drive.) (Planning)

ORDINANCE NO. 9005

ORDINANCE ADOPTING A SITE PLAN FOR LOT 18D, BLOCK 14, BRIARWOOD ADDITION, SECTION 20, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 520 FEET EAST OF ORIOLE DRIVE); SUBJECT TO THE FOLLOWING CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Walker this property located in central portion of shopping district proposal for second baptist church to be construted on property. PD set up for Council review of sit eplan. P&Z addressed and rec approval. rep of PSC here they designed building. One stroy buidling located in teh center portion of tha tPD you can see bldg shaded in lt brown area with 2 entryways off of briarwood. Pakring 107 spaces lengthly list of proposed building materials. no leters of objection. bldg height 28 feet.

Mayor Perry opened the public hearing at 10:51. There being no one present wishing to speak, the public hearing was immediately closed.

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

Council Member Hailey moved approval of the first of two readings of Ordinance No. 9005 in accordance with the Charter of the City of Midland; seconded by Council Member James.

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

27. At approximately 10:36 a.m. hold a public hearing and consider an ordinance on a request by Rick Shirley for a zone change from PD, Planned District for a Shopping Center, to a Planned District for a Housing Development on a 12.63-acre tract of land out of the NW/4 of Section 6, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of South Loop 250 West, approximately 1/4 mile north of West Wall Street.) (Planning)

ORDINANCE NO. 9006

ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A

12.63-ACRE TRACT OF LAND OUT OF THE NORTHWEST QUARTER OF SECTION 6, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED AS TWO SEPARATE PLANNED DISTRICTS FOR SHOPPING CENTERS, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE EAST SIDE OF LOOP 250, APPROXIMATELY 1/4 OF A MILE NORTH OF WALL STREET); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Walker gave an overview of the item noting 1997 zoned loop in anticipation of retail development. the main reason for the site plan is approximately a ahlf mile of loop frontage with alleyways back to loop. no letters of objection.

Mayor Perry opened the public hearing at 10:54 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

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

Council Member James moved approval of the first of two readings of Ordinance No. 9006 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

When you use a park for development purposes you have to go through a specific statute and will present to Council on first reading and for second reading post notice for 3 consencutive weeks and hold ph and devleoper will present to Council why only reason is to use the park. When planetarium want to use will hold this ujntil Council has opportunity to go through that process. Using park for their draignage of their development. Keith if don't go through statute. James where is what you just described in supportin documentation? Stretcher we saw this coming across and had meeting with engineering staff and told them remember anytime you use a park you have to go through chaper 26 of texas park and wildlife. Probjably not a big deal, it could be a big deal so can make informed decisisons. James when this goes through it's paces and somebody says why are you letting someone drain into a park and were not told about it because it wasn't in the packet. It is a courtesay heads up. Morales even if at last minute let us know information.

Courtney in light of housing issues and trying to be developer friendly want to get first reading out of way.

Trost no cost to city; question that what about the cost of going through the process. keith will be recouped from the developer and change for the disposal of water into the park. The only limitation is it has to be into the park fund.

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

28. At approximately 10:39 a.m. hold a public hearing and consider an ordinance on a

request by Tim Ernst for a zone change from 1F-2, One-Family Dwelling District to PD, Planned District for an Office Center on Lot 1A, Block 5, S.W. Estes Addition, Section 2, City and County of Midland, Texas. (Generally located near the southwest corner of the intersection of West Cuthbert Avenue and Whitaker Street.) (Planning)

ORDINANCE NO. 9007

ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 5, S.W. ESTES ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF WEST CUTHBERT AVENUE AND WHITAKER STREET); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

cw gave an overview of the item noting suggested to make office space fit into neighborhood and no signage and that is what applicants have brought forward. Build 8400 sq ft structure driveway access from paved alley on west side of building. Used for office and typical storage. No letters of objection were received. Propose adding Exh C which is facing whitaker and back of building and would like to be contianed in the records. same materials on sides as front or back.. P &Z rec unanimous approval. James is that a metal building with stucco? Cameron, not sure underneath but stuco exterior. metal roof.

Morale swill warehouse in back fenced in? Cameron, no fencing northern and southern end and no fencing along alley because that is access. It's an office building with typical storage of files.

Trost don't get everything is off of alley which make a public street of the place. Is there a reason for not have another access. Cameron it is another storage space with an office in it for Denero Office Plaza which limits impact of residential neighborhood. Sparks on metal roof are there any specifications? Cameron did not see any and not normally contained in specs at this level.

Mayor Perry opened the public hearing at 11:17 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

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

Dufford would like to see them take another bit eof the apple, don't like metal roof, garage door etc.

Trost not in keeping with spirit if downtown, James more integrity of keeping with residential neighborhood.

Dufford rather defer and come back with different design.

Council Member Hailey moved to amend the motion by deferring ; seconded by .;

seconded by Council Member Trost.

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

29. At approximately 10:42 a.m. hold a public hearing and consider an ordinance on a request by Louie Caraveo for a Specific Use Permit without Term for an accessory building for living or sleeping quarters on Lot 20, Block 4, Solomon Estates, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Alysheba Lane and Sir Barton Parkway.) (Planning)

ORDINANCE NO. 9008

ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF LOT 20, BLOCK 4, SOLOMON ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF ALYSHEBA LANE AND SIR BARTON PARKWAY), WHICH IS PRESENTLY ZONED CE, COUNTRY ESTATE 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

Planning Division Manager Cameron Walker gave an overview of the item noting Louie Caraveo building home for Dr. Ron Backer, has asked for second home for entertaining, guests, and fmaily. concern look at with SUP is the ability to get in and out of that accessory lving asked to not have a seperate entrance. The only way to get into second entrance is through Dr. Backer's main house. Rec approval as doez P & Z. no letters of objection.

Trost curious about wording used for entertaining, they mean personal? Cameron, yes.

Morales can this have a kitchen and bath facility because the entrance is being taken away. Morales if took kitchen out could add in entrance> yes.

Mayor Perry opened the public hearing at 11:25 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

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

Council Member Hailey moved approval of the first of two readings of Ordinance No. 9008 in accordance with the Charter of the City of Midland; seconded by Council Member James.

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

30. At approximately 10:45 a.m. hold a public hearing and consider an ordinance to zone annexed land (Tract 1) on a 40.46-acre tract of land out of Section 45, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located north of Midland

International Airport.) (Planning)

ORDINANCE NO. 9009

ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 40.46-ACRE TRACT OF LAND OUT OF SECTION 45, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF, AS AN IP-3, INDUSTRIAL PARK DISTRICT; SAID TRACT IS GENERALLY LOCATED NORTH OF MIDLAND INTERNATIONAL AIRPORT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Walker gae an overview of the item noting you annexed this piece on second reading and proposing to exend IP3 zoning.

Mayor Perry opened the public hearing at 11:27 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

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

Council Member Hailey moved approval of the first of two readings of Ordinance No. 9009 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

31. At approximately 10:48 a.m. hold a public hearing and consider an ordinance to zone annexed land (Tract 2) on a 96.28-acre tract of land out of Section 43 and 44, Block 40, T-1-S and Sections 5 and 6, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located northwest of Midland International Airport.) (Planning)

ORDINANCE NO. 9010

ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 96.28-ACRE TRACT OF LAND OUT OF SECTIONS 43 AND 44, BLOCK 40, T-1-S, AND SECTIONS 5 AND 6, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF, AS AN IP-3, INDUSTRIAL PARK DISTRICT; SAID TRACT IS GENERALLY LOCATED NORTHWEST OF MIDLAND INTERNATIONAL AIRPORT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Walker gave an overview of the item noting zoning for item previous IP3 as ext of airport zone which is IP3.

Mayor Perry 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 Garcia read the caption of Ordinance No. NUMBER>.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9010 in accordance with the Charter of the City of Midland; seconded by Council Member James.

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

32. At approximately 10:51 a.m. hold a public hearing and consider an ordinance to zone annexed land (Tract 3) on a 55.08-acre tract of land out of Sections 8, 9, 16 and 17, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located south of Midland International Airport.) (Planning)

ORDINANCE NO. 9011

ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 55.08-ACRE TRACT OF LAND OUT OF SECTIONS 8, 9, 16 AND 17, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF, AS AN IP-3, INDUSTRIAL PARK DISTRICT; SAID TRACT IS GENERALLY LOCATED SOUTH OF MIDLAND INTERNATIONAL AIRPORT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Walker gave an overview of the item noting adjacent to same IP3 district just looked at and zone ip3.

Mayor Perry opened the public hearing at 11:31 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

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

Council Member Hailey moved approval of the first of two readings of Ordinance No. 9011 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

33. At approximately 10:54 a.m. hold a public hearing and consider an ordinance to zone annexed land (Tract 4) on a 2.25-acre tract of land out of Section 10, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located northeast of Midland International Airport.) (Planning)

ORDINANCE NO. 9012

ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 2.25-ACRE TRACT OF LAND OUT OF SECTION 10, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF, AS AN IP-3, INDUSTRIAL PARK DISTRICT; SAID TRACT IS GENERALLY LOCATED

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

Planning Division Manager Walker gave an overview of the item noting adjacent to previous and recommending IP3.

Mayor Perry opened the public hearing at 11:32 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

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

Council Member Trost moved approval of the first of two readings of Ordinance No. 9012 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

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

34. At approximately 10:57 a.m. hold a public hearing and consider an ordinance to zone annexed land (Tract 5) on a 3.88-acre tract of land out of Section 4, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located southeast of Midland International Airport.) (Planning)

ORDINANCE NO. 9013

ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 3.88-ACRE TRACT OF LAND OUT OF SECTION 4, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF, AS AN IP-3, INDUSTRIAL PARK DISTRICT; SAID TRACT IS GENERALLY LOCATED SOUTHEAST OF MIDLAND INTERNATIONAL AIRPORT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Walker gave an overview of the item noting also against IP3 district rec same zoning.

Mayor Perry opened the public hearing at 11:33 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

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

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9013 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

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

35. At approximately 11:00 a.m. hold a public hearing and consider an ordinance to zone annexed land (Tract 6) on a 3.57-acre tract of land out of Section 13, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located at the future extension of Mockingbird Lane east of Avalon Drive.) (Planning)

ORDINANCE NO. 9014

ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 3.57-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF, AS AN FD, FUTURE DEVELOPMENT DISTRICT; SAID TRACT IS GENERALLY LOCATED AT THE FUTURE EXTENSION OF MOCKINGBIRD LANE, EAST OF AVALON DRIVE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Walker gave an overview of the item noting city owned land proposing place FD district ozning on land developed with water tower.

Mayor Perry opened the public hearing at 11:35 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

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

Council Member Hailey moved approval of the first of two readings of Ordinance No. 9014 in accordance with the Charter of the City of Midland; seconded by Council Member James.

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

36. At approximately 11:03 a.m. hold a public hearing and consider a resolution on a request by Robert Ahola for a Temporary Land Use Permit for 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.) (Planning)

RESOLUTION NO. 2012 - 125

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

Planning Division Manager Walker gave an overview of the item tlup req for tent sale `13 day proposed april 27 through may 9 operating hours 10 a.m. to 9 p.m. proposaltravel trailer loc on prop for sec purposes. Told artwork within tent sale. aplication by midland park mall. no let of ob.

Mayor Perry opened the public hearing at 11: 37 a.m. There being no one present

wishing to speak, the public hearing was immediately closed.

Council Member Hailey moved to adopt Resolution No. 2012 - 125; seconded by Council Member James.

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

DEVELOPMENT SERVICES

37. Approved a resolution on a request from RSP Permian, LLC (Bus Barn #2603) for a permit to drill an oil and gas well within the City Limits located 690' from north line and 1080' from east line, Section 26, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the south side of Briarwood Avenue, approximately 600 feet west of Roadrunner Trail.) (Planning)

RESOLUTION NO. 2012 - 126

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITYLIMITS LOCATED 690 FEET FROM THE NORTH LINE AND 1,080 FEET FROM THE EAST LINE, SECTION 26, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 600 FEET WEST OF ROADRUNNER TRAIL)

Ron Jenkins over of the item deferred Jan 24 back to staff received 35 letters and two letters of objection citing O&G reviedwed app and cons complete rec with except landscaping should be installed. application has changed since previous here, rerouting flowlines from briariarwood too instead of taking to neighborhood.

Trost question about ROW is that part of plan for widening of Briarwood? City Engineer David Beard, yes cleared with them and near edge of ROW outside of paved area.

Pery, what is the closest to a house? Jenkins do not have it with him, brought it there are 4-5 houses that are being built within the 500 foot. Houses prior to that are outside of the 500 foot.

Hailey. does it mean the same thing, the wording is slightly different then on screen. Same meaning. Basically the same thing. Morales thsoe homes being built, if have concern about safety need to rule it out. Stretcher, you don't need to consider safety factors based on the variance that was granted, they already came to Council they knew an O&G well may go there but it may not affect at all.

James ROW clarification with DAvid 10:22 a.m.

Steve Gray 4516 Bent Tree Trail. hwo many wells anticipating in that area? asked by James. The first map listen. Morales with those wells to the west how will get to thsoe wells? Gray combination of vertical and directionional concern trying to keep traffic as easy as possible on Briarwood.

James have plans to do is what you were answering. What you have ability to do is what is his question. Is there something more an dgreater that you have ability to do.

Gray not now. In other area will not be able to drill because within 500 feet of well, possibile nto likely.

Council Member Sparks moved to adopt Resolution No. 2012 - 126; seconded by Council Member Dufford.

Audience wanted to speak but Mayor said that public hearing was already had but will allow two people to speak.

Stephen Rae, 4214 Coyote Trail, asked when this was tabled was to meet with RSP and nobody every asked how that went. They did meet with RSP and notning was accomplished. Two ladies from subdivision called RSP and talked to an officer and invited them to come to the community and were told they had it handled and they didn't need to talk to them. something touched on about the distance to the corrosco house is 512 feet. They measure it to the far corner not the near corner. He believes it is closer than 500'. Well site located two homes occupied by families and children will drill a caliche road right by his house and build a caliche pit behind his house. image what the wind will do to his home. That is a mjaor nuisnace.

Robert Schlagel petroleum engineer the ordinance that you drew up 8769 there is 9 of the 16 that would not allow this location. You also helped 5 potential wells basically outside of the city limits without destroying this community. If you divde 5 into 640 will come up with normal spacing. want to impress themost is the danger that is associated with this well being here. Just because they drill the well and case it in the hole doesn't mean that all risks are over. About a year ago Purvis had an old well to pull tubing and pulling unit caught on fire and burned to the spot. This is a low spot and theres a sign on Lyns that says no fires. that says people including me can't bbq in back yard. I don't think if I was on this group there is no way I want to take a chance with a situation that somebodey is dead because I allowed that and they don't have to have it in order to accomplish their drainage. The factor that somebody may have to live with somebody's life on their conscious.

Cathy Jones 4104 Coyote Trail it isn't the bus barn it is their neighborhood. About a week and half ago was told 1184 truksfor one well to put one well intro production. Roads are not made for . Do not want 7000 trucks int heir neighborhood. The dnager of the wells is terrible.

James want to clarify Dr. Rae suggested might be difference in whether or not well violted the 500 foot rule. Jenkins on the survey you will see the squres are houses where they have that corner it may not be the closest corner. It is not drawn . The survey is what we go with and confirms it is not 500 feet. Hypothetical survey is wrong what then? Perry, what if it is incorrect. Sharp they use their professional license stating it is. Gray the suvey plat there is a box rep home that is not to scale it does look like it reaches the opposite corner. They called survey and they have been assured. Feel if survey it again will get same answer or cna move well 10 feet.

Morales under current ord if application was denied, this company would have company to come back and reapply and if so wha tis term. Keith absolute right to reapply and there is no term cna immediately reapply. there is an opportunity to look at other sites.Process to have an interim step prior to condemnation. Keith that would give opportunity to modify application and meet concerns expressed by council or

neighborhood.

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

38. Approved a resolution authorizing the execution of a road repair agreement with RSP Permian, LLC related to the Bus Barn #2603 well. The road repair agreement will cover Briarwood Avenue and be in the amount of $75,000.00. (Planning)

RESOLUTION NO. 2012 - 127

RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH RSP PERMIAN, L.L.C. REGARDING ITS APPLICATION TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 690 FEET FROM THE NORTH LINE AND 1,080 FEET FROM THE EAST LINE, SECTION 26, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

ron do not need to pursue, defer or deny.

Council Member James moved to deny Approved a resolution authorizing the execution of a road repair agreement with RSP Permian, LLC related to the Bus Barn #2603 well. The road repair agreement will cover Briarwood Avenue and be in the amount of $75,000.00.; seconded by Council Member Hailey.

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

MISCELLANOUS

39. Consider an ordinance amending the Fiscal Year 2011-2012 Budget to provide additional funds to the Sports and Entertainment Association of Midland (SEAM) in the amount of $95,000. (City Secretary)

ORDINANCE NO. 9015

ORDINANCE AMENDING THE OFFICIAL MUNICIPAL BUDGET FOR FISCAL YEAR 2011-2012 IN ORDER TO PROVIDE ADDITIONAL FUNDS TO THE SPORTS AND ENTERTAINMENT ASSOCIATION OF MIDLAND; THE ADDITIONAL FUNDING PROVIDED TO THE SPORTS AND ENTERTAINMENT ASSOCIATION OF MIDLAND WILL BE USED FOR UPCOMING EVENTS; THE ADDITIONAL FUNDS WILL ALLOW FOR THE PROMOTION OF TOURISM IN THE CITY OF MIDLAND; AND ORDERING RECORDATION; AND APPROPRIATING FUNDS

Council Member James moved approval of the first of two readings of Ordinance No. 9015 in accordance with the Charter of the City of Midland; seconded by Council Member Hailey.

James need to line everything up either use amount given or give them what they need.

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

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

40. Approved a resolution authorizing the execution of a right of way license agreement between the City of Midland and Callon Petroleum Company, for placement, operation and maintenance of a 24" casing and flow line within City of Midland right of way abutting Section 23, Block 40, T-1-S, T&P RR Co. Survey, Abstract No. 252, Midland County, Texas. (Transportation)

RESOLUTION NO. 2012 - 128

RESOLUTION AUTHORIZING A RIGHT-OF-WAY CROSSING LICENSE WITH THE CITY OF MIDLAND, TEXAS AND CALLON PETROLEUM COMPANY; SAID RIGHT-OF-WAY LICENSE IS FOR THE PURPOSE OF INSTALLING ONE (1) UNDERGROUND 24 INCH CASING WHICH WILL ALLOW FOR ONE PRODUCTION FLOW LINE AND ONE TEMPORARY WATER LINE TO MOVE FRESH WATER UNDER GOLDEN GATE DRIVE TO WELL PADS ; THE CASING IS LOCATED WITHIN THE CITY OF MIDLAND RIGHT- OF-WAY, SECTION 23, BLOCK 40, 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

Transportation Manager Gary Saunders row license to cover the crossings of golden gate at an annual fee of $400.

Council Member Hailey moved to adopt Resolution No. 2012 - 128; seconded by Council Member James.

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

41. Approved a resolution authorizing the execution of a right of way license agreement between the City of Midland and RSP Permian, LLC for placement, operation and maintenance of two (2) pipelines within the City of Midland right of way abutting Country Sky Addition, Section 11, Midland County, Texas. (Transportation)

RESOLUTION NO. 2012 - 129

RESOLUTION AUTHORIZING A RIGHT-OF-WAY LICENSE WITH THE CITY OF MIDLAND, TEXAS AND RSP PERMIAN, L.L.C.; SAID RIGHT-OF-WAY LICENSE IS FOR THE PURPOSE OF ENTERING CITY OF MIDLAND'S RIGHT-OF-WAY FOR THE PURPOSE OF PLACEMENT, OPERATION AND MAINTENANCE OF A THREE (3) INCH POLY PIPELINE AND A FOUR (4) INCH FLEX-STEEL PIPELINE WITHIN A PORTION OF BRIARWOOD AVENUE; THE PIPELINE IS LOCATED WITHIN THE CITY OF MIDLAND RIGHT-OF-WAY, SECTION 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

Council Member James moved to deny Approved a resolution authorizing the execution of a right of way license agreement between the City of Midland and RSP Permian, LLC

for placement, operation and maintenance of two (2) pipelines within the City of Midland right of way abutting Country Sky Addition, Section 11, Midland County, Texas.; seconded by Council Member Trost.

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

42. Approved a resolution to allow temporary water and wastewater service agreement for 1310 South Fairgrounds road for Pecos marketing and Gathering (City View Acres). (Engineering)

RESOLUTION NO. 2012 - 106

RESOLUTION AUTHORIZING THE EXECUTION OF A TEMPORARY WATER AND SEWER SERVICE AGREEMENT BETWEEN THE CITY OF MIDLAND AND PECOS GATHERING AND MARKETING, LLC FOR SERVICES TO 1310 SOUTH FAIRGROUNDS ROAD, MIDLAND, TEXAS, 79701; SAID PROPERTY IS OUTSIDE THE CITY LIMITS; PECOS GATHERING AND MARKETING, LLC HAS EXECUTED A LETTER AGREEING TO ANNEXATION IF AND WHEN THE PROPERTY IS ANNEXED; PECOS GATHERING AND MARKETING, LLC SHALL BE CHARGED A RATE FOR SERVICE WHICH IS ONE AND ONE-HALF TIMES THE RATE CHARGED CUSTOMERS IN THE CITY LIMITS; AND ORDERING RECORDATION BY THE CITY SECRETARY

City Engineer David Beard last meeting there are two items conenected this and 43. Request water service to serve property that's outside of the City limits. There is a 12" waterline in fairgrounds road and will pay 150% of service and voluntary annexation at time adjacent to city limits don't annex now because not adjacent. Give compelling reason why should provide water service. applicant is present.

Dufford compeling reason is policy that city has always done if would voluntary annex.

Perry a little unusual this summer because of conditions. Morales would like to hear from applicant. David temporary is form we use duntil come into city limits. Did you figure way to annex by going down right of way. Could annex by fairgrounds road.

Its a little over a quarter of a mile away.

Jery Jenson 1001 Almont place, 79705? finished constructing this building been working with City last summer didn't realize didn't need to be here. water line goes right in front of the building that have now finished and have been working to get it done. Very aware of the drought conditions and will use very littlewater. Basically shop sinks and a couple of toilets. When this come sinto City have 4-5 mechanics and hsop people supports 50 trucks and this is their office.

Chris Jenson avg household 6000 gallon per month high end estimates were 3-3,400 gallons per month, no truck wash.jchris jenson 1001 Almont Place.

what is value of the improvements? 325,000 when finished. Jerry.

Council Member Morales moved to adopt Resolution No. 2012 - 106 ; seconded by Council Member Dufford.

Mayor directed staff to move forward on annexation when ready to go next.

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

43. Approved a resolution to assign a project number and allocate money ($25,147- collected from a development agreement) from the General Fund for the design and construction of paving and drainage improvements for Fairgrounds Rd. from Cloverdale Rd. (FM 307) to Garden City Hwy (SH 158). (Engineering)

RESOLUTION NO. 2012 - 105

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH PECOS GATHERING AND MARKETING, LLC FOR THE EXPANSION OF FAIRGROUNDS ROAD; AND APPROPRIATING FUNDS THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

City Engineer David Beard gave an overview of the item noting at Jan 24 Council meeting approved def of public improvements fo rproperty which wwere paving curb gutter, waste water listen.. already written a check and dev agreement in place ready to be signed upon approval. Money is for fairgrounds road to curb and gutter

Council Member James moved to adopt Resolution No. 2012 - 105; seconded by Council Member Hailey.

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

44. Consider making appointments to various Boards and Commissions.

45. At approximately 12:00 noon recess to Centennial Plaza, 105 North Main, for the Parks & Recreation Endowment Committee lunch.

EXECUTIVE SESSION

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

Mayor read caption. go to closed session and go to lucnh at centential park and ajdourn meeting from there.

recessed to executive session at 11:58 a.m.

a. Section 551.071, Consultation with the City Attorney

a.1. Discuss with the City Attorney and Attorney(s) with the Law Firm of Cotton, Bledsoe, Tighe & Dawson, P.C., contemplated litigation involving a 45.99-acre tract of land located in Section 15, Block 39, T-1-S, T&P RR Co. Survey, Midland County, Texas and more specifically described in Volume

2311, Page 306 of the Deed Records of Midland County, Texas.

PASSED AND APPROVED the __ day of ____, ___.

W. Wesley Perry, Mayor

ATTEST:

Amy M. Turner, City Secretary