

**MIDLAND CITY COUNCIL
MINUTES
July 23, 2013**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:30 a.m. on July 23, 2013.

Council Members present: Mayor W. Wesley Perry, Council Member Jerry Morales (At-Large), Council Member Scott Dufford (At-Large), Council Member John Love (District 2), Council Member John James (District 3), and Council Member Michael Trost (District 4).

Council Members absent: Mayor Pro Tem Jeff Sparks (District 1).

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, Engineering Director Jose Ortiz, Chief Information Officer Sharlett Chowning, Solid Waste Director Morris Williams, Downtown Development Director Genora Young, Interim Planning Division Manager Ken VanDyne, Assistant City Attorney Don Fletcher, and Public Information Officer Sara Higgins.

1. Receive an update from the Communication and Information Services Department regarding the Mass Notification System.

Chief Information Officer Sharlett Chowning reported that in December of 2012 the Council approved a Mass Notification System also known as a reverse 911 system. She has been working with various departments including Midland County Emergency Management and the weather service. If there is a potential safety issue, a mass notification can go out to those who may be affected via text, email or phone call. The previous system would only contact land lines and the new system will contact land lines in addition to any other ways each citizen chooses to have information communicated to them. Additionally, citizens can sign up for the types of information they would like to be notified about such as water leaks, weather information, and etcetera.

When asked if the information provided could be made public via a public records request, City Attorney Stretcher stated that type of request would be forwarded to the Attorney General for an opinion. Ms. Chowning noted that the City would not share or sell the information to any other party.

Discussion ensued about the importance of getting as many people to sign up as possible. Ms. Chowning noted that it was not a requirement to be a Midland resident. For example, if someone's elderly parents lived in Midland, but they lived in another town, they may be interested in signing up for alerts. Her group will be working with other citizen groups to get as many people signed up as possible. The public will be able to sign up beginning in August via the City of Midland website.

Discussion ensued about how this service might be duplicative of the website and the City of Midland app. Council agreed that this is an important service to provide to the citizens.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:53 a.m.

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:04 a.m., July 23, 2013.

Council Members present: Mayor W. Wesley Perry, Council Member Jerry Morales (At-Large), Council Member Scott Dufford (At-Large), Council Member John Love (District 2), Council Member John James (District 3), and Council Member Michael Trost (District 4).

Council Members absent: Mayor Pro Tem Jeff Sparks (District 1).

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, 9, 10, 11, 13, 14, 15, 16, 19, 20, 6, 7, 8, 12, 17, 18, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, 23, 24, 25, 35, 36.

OPENING ITEMS

1. Invocation - Reverend Pat Bryant, Travis Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Mayor Perry presented a Proclamation for Quanah Macklin Day in recognition of her winning the 2013 Class A Women's Black Belt World Championship.

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.

There were no citizens requesting to speak.

CONSENT AGENDA

Council Member Dufford moved to approve Consent Agenda items 5 - 20 excluding 6, 7, 8, 12, 17, and 18; seconded by Council Member Morales. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James. NAY: None. ABSTAIN: None. ABSENT: Sparks.

5. Approved a motion approving the following minutes:
 - a. Special meeting of July 8, 2013.
 - b. Regular meeting of July 9, 2013.
9. Approved a resolution calling an election on November 5, 2013 for three City Officials. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2013 - 206

RESOLUTION CALLING AN ELECTION FOR THREE CITY OFFICIALS; AMENDING THE BOUNDARY OF THE CITY AND CITY COUNCIL DISTRICTS; PROVIDING FOR USE OF ACCESSIBLE VOTING SYSTEMS; ESTABLISHING ELECTION PRECINCTS FOR SAID ELECTION; AND ESTABLISHING POLLING PLACES FOR SAID ELECTION

10. Approved a resolution authorizing the execution of an agreement with Rock the Desert Ministries, Incorporated to promote tourism and the convention/hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2013 - 207

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ROCK THE DESERT MINISTRIES, INCORPORATED AS AUTHORIZED BY CHAPTER 351 OF THE TEXAS TAX CODE; THE FUNDS ALLOCATED BY THIS RESOLUTION SHALL BE USED TO PROMOTE TOURISM AND THE MOTEL AND HOTEL INDUSTRY; THE ALLOCATED FUNDS ARE EXPENDED IN A MANNER DIRECTLY ENHANCING AND PROMOTING TOURISM AND THE MOTEL AND HOTEL INDUSTRY; THE USE AND ALLOCATION OF THESE FUNDS ARE AUTHORIZED BY CHAPTER 351 OF THE TEXAS TAX CODE; AND THE APPROVAL OF THIS RESOLUTION SHOULD NOT BE CONSTRUED OR INTERPRETED AS ENDORSING THE MESSAGE OR ACTIVITIES PROMOTED BY ROCK THE DESERT MINISTRIES, INCORPORATED; AND ROCK THE DESERT MINISTRIES, INCORPORATED IS REQUIRED TO PROVIDE INSURANCE PRIOR TO THE EVENT AND THE CITY SECRETARY SHALL ENSURE THAT THE INSURANCE IS RECEIVED AND APPROVED PRIOR TO THE ROCK THE DESERT EVENT; AND ALLOCATING FUNDS

11. Approved a resolution authorizing the adoption of the City of Midland's 2013-2014 Action Plan to the Consolidated Plan for Community Development and Housing Funds for Fiscal Years 2011-2015; the Consolidated Plan was approved by Resolution Number 2010-197; and authorizing the execution of an application for Community Development Block Grant Funds. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 208

RESOLUTION AUTHORIZING THE ADOPTION OF THE CITY OF MIDLAND'S 2013-2014 ACTION PLAN TO THE CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT AND HOUSING FUNDS FOR FISCAL YEARS 2011-2015; THE CONSOLIDATED PLAN WAS APPROVED BY RESOLUTION NUMBER 2010-197; AND AUTHORIZING THE EXECUTION OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

13. Approved a resolution approving a Temporary Water Service Agreement with Stagg Investment Group, Inc. This property is positioned in the City of Midland ETJ, generally located at 2701 W. Francis Avenue. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 210

RESOLUTION AUTHORIZING THE EXECUTION OF A TEMPORARY WATER AND SEWER SERVICE AGREEMENT BETWEEN THE CITY OF MIDLAND AND STAGG INVESTMENT GROUP, INC. FOR SERVICES TO 2701 WEST FRANCIS AVENUE, MIDLAND COUNTY, TEXAS; SAID PROPERTY IS OUTSIDE THE CITY LIMITS; STAGG INVESTMENT GROUP, INC. HAS EXECUTED A LETTER AGREEING TO ANNEXATION IF AND WHEN THE PROPERTY IS ANNEXED; STAGG INVESTMENT GROUP, INC. 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

14. Approved a resolution to approve a Professional Service Agreement with Freese & Nichols, Inc. in the amount of \$287,000 for engineering services in connection with the Midland Draw and Jal Draw Channel Studies. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 211

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FREESE & NICHOLS, INC. FOR ENGINEERING SERVICES IN CONNECTION WITH THE MIDLAND DRAW STUDY AND THE JAL DRAW STUDY; AND AUTHORIZING PAYMENT THEREFOR IN THE AMOUNT OF \$285,614.00

15. Approved a resolution to approve a Professional Service Agreement with Maverick Engineering in the amount of \$44,000 for the engineering services in connection with the Beal Parkway Extension between Thomason Drive and Anetta Drive. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 212

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH MAVERICK CIVIL & SURVEY, LLC FOR ENGINEERING SERVICES IN CONNECTION WITH THE EXTENSION OF BEAL PARKWAY BETWEEN THOMASON DRIVE AND ANETTA DRIVE; AND AUTHORIZING PAYMENT THEREFOR IN THE AMOUNT OF \$44,000.00; A REQUEST FOR QUALIFICATIONS WAS NOT ADVERTISED BY THE CITY OF MIDLAND FOR SAID SERVICES

16. Approved a resolution to appropriate interest earned on the FY2010 Justice Assistance Grant funds. (POLICE)

RESOLUTION NO. 2013 - 213

RESOLUTION APPROPRIATING INTEREST EARNED IN THE AMOUNT OF \$82.00 ON THE FY2010 JUSTICE ASSISTANCE GRANT FUNDS; THE GRANT AWARD PLUS INTEREST MUST BE EXPENDED OR RETURNED TO THE FEDERAL GOVERNMENT AS A REQUIREMENT OF THE GRANT

19. Approved a resolution to reject any extension of the Contract Lease Agreement with Mr. W Fireworks, Inc. and authorizing the City Manager to give notice to the tenant that he surrenders the property to the City immediately. (UTILITIES)

RESOLUTION NO. 2013 - 216

RESOLUTION TERMINATING A LEASE ON A 100' BY 100' AREA OUT OF A LARGER 10-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 38, T-2-S, T&P RR COMPANY SURVEY, MIDLAND COUNTY, TEXAS; AND AUTHORIZING THE UTILITIES DEPARTMENT TO GIVE 30 DAYS WRITTEN NOTICE THEREOF TO THE LESSEE, MR. W FIREWORKS, INCORPORATED

20. Approved a resolution authorizing the City Manager to enter into a Professional Services Agreement with Enprotec / Hibbs & Todd to evaluate and recommend water and sewer rate adjustments. (UTILITIES)

RESOLUTION NO. 2013 - 217

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD, INCORPORATED, FOR PROFESSIONAL CONSULTATION SERVICES FOR A FEE NOT TO EXCEED \$10,000.00; THIS ITEM WAS NOT BID

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

6. Consider a resolution recording a vote on a proposal to consider an Ad Valorem Tax Rate for the Fiscal Year 2013 – 2014 and establish dates to hold public hearings on the proposed tax rate; and to establish dates when there will be a record vote on the tax rate; and authorizing and directing the City Manager to post all appropriate notices. (FINANCE)

RESOLUTION NO. 2013 - 203

RESOLUTION RECORDING A VOTE ON A PROPOSAL TO CONSIDER AN AD VALOREM TAX RATE FOR THE FISCAL YEAR 2013 - 2014 AND TO ESTABLISH DATES TO HOLD PUBLIC HEARINGS ON THE PROPOSED TAX RATE; AND TO ESTABLISH DATES WHEN THERE WILL BE A RECORD VOTE ON THE TAX RATE; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO POST ALL APPROPRIATE NOTICES

Finance Director Bob McNaughton reported that when the Council had their budget workshop they talked about a rate of \$.443151 per \$100 valuation, which would have made it the lowest rate adopted since 1988. Following the certification of the tax role, that rate dropped down to \$.431927 per \$100 valuation which is 2.9 cents less than the rate established last year and 2.78% over the effective rate. He emphasized that this is not the rate Council has to adopt, but it is the maximum rate that can be adopted. The rate will be published in the newspaper and public hearings will be held on August 6 at 9:00 a.m. and August 13 at 6:00 p.m.

Council Member Love moved to adopt Resolution No. 2013 - 203; seconded by Council Member Morales. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James. NAY: None. ABSTAIN: None. ABSENT: Sparks.

7. Consider a resolution authorizing the Mayor to negotiate and execute an interlocal agreement with the Midland County Fresh Water Supply District Number 1 regarding the development of the Clearwater Ranch; the Clearwater Ranch consists of approximately 6,750 acres in Winkler County, Texas; and the proposed interlocal agreement will allow the development of the Clearwater Ranch as a water supply for the City in conjunction with the T-Bar Ranch. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2013 - 204

RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE AN INTERLOCAL AGREEMENT WITH THE MIDLAND COUNTY FRESH WATER SUPPLY DISTRICT NUMBER 1 REGARDING THE DEVELOPMENT OF THE CLEARWATER RANCH; THE CLEARWATER RANCH CONSISTS OF APPROXIMATELY 6,750 ACRES IN WINKLER COUNTY, TEXAS; AND THE PROPOSED INTERLOCAL AGREEMENT WILL ALLOW THE DEVELOPMENT OF THE CLEARWATER RANCH AS A WATER SUPPLY FOR THE CITY IN CONJUNCTION WITH THE T-BAR RANCH

Council Member Trost asked if this item was a continuation or addition to T-Bar. City Attorney Stretcher reported that it could be. He noted that it would be developed as a water supply line that would run to T-Bar and would be blended with the T-Bar water. He reported that bonds were sold for the T-Bar development and they may have to do a new issuance. They are working through the bonds and covenants. This item has been presented to get the project moving until the bond issue is resolved. The route of the water line is not known at this time.

Council Member Love moved to adopt Resolution No. 2013 - 204; seconded by Council Member Trost. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James. NAY: None. ABSTAIN: None. ABSENT: Sparks.

8. Consider a resolution authorizing the City Manager to employ Parkhill, Smith & Cooper, Incorporated, to work with various state agencies including the Railroad Commission of Texas and the Texas Commission on Environmental Quality in regards to the development of the City's water supply in Winkler County and Loving County, Texas; the City Manager is authorized to employ other experts as needed for the development of the City's water supply in Winkler County and Loving County, Texas; and appropriating funds. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2013 - 205

RESOLUTION AUTHORIZING THE CITY MANAGER TO EMPLOY PARKHILL, SMITH & COOPER, INCORPORATED, TO WORK WITH VARIOUS STATE AGENCIES INCLUDING THE RAILROAD COMMISSION OF TEXAS AND THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY IN REGARDS TO THE DEVELOPMENT OF THE CITY'S WATER SUPPLY IN WINKLER COUNTY AND LOVING COUNTY, TEXAS; THE CITY MANAGER IS AUTHORIZED TO EMPLOY OTHER EXPERTS AS NEEDED FOR THE DEVELOPMENT OF THE CITY'S WATER SUPPLY IN WINKLER COUNTY AND LOVING COUNTY, TEXAS; AND APPROPRIATING FUNDS

City Attorney Stretcher answered questions about this item noting that the City Manager was authorized to spend up to \$75,000 for various agreements relating to the water supply line.

Council Member Trost moved to adopt Resolution No. 2013 - 205; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James. NAY: None. ABSTAIN: None. ABSENT: Sparks.

12. Consider a resolution authorizing the City Manager to negotiate a contract for employment of Enprotec / Hibbs & Todd, Inc. (eHT) to provide professional services for the City of Midland relating to the development review processes within the Department of Development Services on a recurring or as-needed basis as requested by City staff with respects to planning, engineering, and building site development as defined in the scope of services. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 209

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC / HIBBS & TODD, INC. FOR PLAN REVIEW SERVICES TO ASSIST THE ENGINEERING SERVICES DEPARTMENT AND THE DEVELOPMENT SERVICES DEPARTMENT; AND AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED \$50,000

When asked if the contract would be negotiated on a per job basis, Assistant City Manager Jim Nichols reported it would be on an as needed basis, paying for time and materials as expended, and that it would be handled by the City Manager's Office up to a maximum of \$50,000. If additional funds were needed, staff would come back to Council and ask for an additional lump sum.

When asked when the last time the job was posted, City Manager Sharp reported that the job has been continuously posted on the City's website as well as sent to several other groups that target Planners.

Council Member Morales moved to adopt Resolution No. 2013 - 209; seconded by Council Member Trost. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James. NAY: None. ABSTAIN: None. ABSENT: Sparks.

17. Consider a resolution authorizing the renewal of an Operating Certificate for GK's Shuttle Service, LLC. (POLICE)

RESOLUTION NO. 2013 - 214

RESOLUTION AUTHORIZING THE RENEWAL OF AN OPERATING CERTIFICATE FOR GK'S SHUTTLE SERVICE, LLC

Council Member Trost moved to adopt Resolution No. 2013 - 214; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford. NAY: None. ABSTAIN: James. ABSENT: Sparks.

18. Consider a resolution authorizing an Operating Certificate for B & B Platinum Limo, LLC to operate a limousine business (POLICE)

RESOLUTION NO. 2013 - 215

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR B&B PLATINUM LIMO, LLC TO OPERATE A LIMOUSINE BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

Council Member Dufford moved to adopt Resolution No. 2013 - 215; seconded by Council Member Morales. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford. NAY: None. ABSTAIN: James. ABSENT: Sparks.

SECOND READINGS

21. Consider an ordinance on second reading 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) (First reading held April 9, 2013.)

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

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9136.

Transportation Manager Gary Saunders gave a brief overview of the item noting the rationale of including the sides of home on Graceland is to cover all front and side yards of any residential properties. When asked if another group of neighbors did not want parking in front of their home could the area be extended; Mr. Saunders responded it could.

Rick Davis, 2509 Shell Avenue, speaking on behalf of MISD Board of Trustees, reported that the majority of parents who park and walk their children into the school are for kids in Pre-K through third grade. The last time this item came before Council, Superintendant Warren was encouraged to meet with the neighborhood, which he did on June 13. Of those in attendance, one thought it was a constant problem, a few thought it was occasionally a problem and one thought it wasn't a problem at all. MISD opposes the parking restriction and feels it will not solve the problem and is concerned that if adopted other people near elementary schools will ask for the same thing. He reported they are planning to build a 32-space parking lot off of Graceland and it should be complete in December or January. They expect this should help alleviate the problem. Additionally, they are working on a specific drop off zone for kids in Pre-K through third grade hoping that too will reduce the number of people who park and walk their students into the school.

James Rikken, 801 S. Moran, also representing the school district, spoke briefly about the proposed school drop off.

Council Member Dufford moved to defer this item to the last meeting in March 2014; seconded by Council Member James.

Kay Richmond, 4719 Erie Drive reported she was advised to do this petition by Chief Colburn at MISD. She reported the congestion is bad during these times, that parents double park, ignore the laws and speed. She shared a story from a crossing guard who relayed that people drive through the crosswalk while she is still in it. She shared that one parent planned to make the front of her home her permanent parking space.

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

22. Consider an ordinance on second reading on a request by Grassland 2 Dev. Co., LLP for a zone change from PD, Planned District for a Housing Development to an Amended Planned District for a Housing Development on a 5.32-acre tract of land (Tract 1) and from 1F-1, One-Family Dwelling District to 1F-2, One-Family Dwelling District on 5.35-acre tract of land (Tract 2), all out of Section 35, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located at the east side of State Highway 158 and at the west extension of Mosswood Drive.) (DEVELOPMENT SERVICES) (First reading held July 9, 2013.)

ORDINANCE NO. 9162

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 5.32-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; BY PERMITTING A 5.35-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS A 1F-2, ONE-FAMILY DWELLING DISTRICT; SAID TRACTS BEING OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 158 AND AT THE WEST EXTENSION OF MOSSWOOD DRIVE); CONTAINING A CUMULATIVE CLAUSE;

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

Deputy City Secretary Moreno read the caption of Ordinance No. 9162.

Council Member Love moved to approve the second and final reading of Ordinance No. 9162 in accordance with the Charter of the City of Midland; seconded by Council Member James. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James. NAY: None. ABSTAIN: None. ABSENT: Sparks.

23. Consider an ordinance on second reading on a request by Innovative Land Development for a zone change from 1F-3, One-Family Dwelling District to TH, Townhouse Dwelling District on a 10.32-acre tract of land out of Section 1, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located at the east side of Lamesa Road, approximately ½ mile north of E. Loop 250 North.) (DEVELOPMENT SERVICES) (First reading held July 9, 2013.)

ORDINANCE NO. 9163

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 10.32-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-3, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS A TH, TOWNHOUSE DWELLING DISTRICT (GENERALLY LOCATED AT THE EAST SIDE OF NORTH LAMESA ROAD, APPROXIMATELY ½ MILE NORTH OF EAST LOOP 250 NORTH); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Moreno read the caption of Ordinance No. 9163.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9163 in accordance with the Charter of the City of Midland; seconded by Council Member Morales. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James. NAY: None. ABSTAIN: None. ABSENT: Sparks.

24. Consider an ordinance on second reading on a City-initiated request for a zone change from PD, Planned District for a Mixed Use District to PD, Planned District for Housing Development, on a 2.50-acre portion of Lot 1, Block 3, Wallace Heights Addition, Section 4, City and County of Midland, Texas. (Generally located on the south side of Sinclair Avenue, approximately 380 feet west of N. Midland Drive.) (DEVELOPMENT SERVICES) (First reading held July 9, 2013.)

ORDINANCE NO. 9164

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.50-ACRE PORTION OF LOT 1, BLOCK 3, WALLACE HEIGHTS ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY

ZONED PD, PLANNED DISTRICT FOR A MIXED USE DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE SOUTH SIDE OF SINCLAIR AVENUE, APPROXIMATELY 380 FEET WEST OF NORTH MIDLAND DRIVE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Moreno read the caption of Ordinance No. 9164.

Council Member Love moved to approve the second and final reading of Ordinance No. 9164 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James. NAY: None. ABSTAIN: None. ABSENT: Sparks.

25. Consider an ordinance on second reading amending the Fiscal Year 2012-2013 Budget to provide additional funds to the Sports and Entertainment Association of Midland (SEAM) in the amount of \$50,000. (CITY SECRETARY'S OFFICE) (First reading held July 9, 2013.)

ORDINANCE NO. 9166

AN ORDINANCE AMENDING THE OFFICIAL MUNICIPAL BUDGET FOR FISCAL YEAR 2012-2013 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

Deputy City Secretary Moreno read the caption of Ordinance No. 9166.

Council Member Love moved to approve the second and final reading of Ordinance No. 9166 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, Perry, Dufford, James. NAY: None. ABSTAIN: None. ABSENT: Sparks.

26. Consider an ordinance on second reading on a request for the vacation of a 0.138-acre portion of the right-of-way of E. Spruce Avenue adjacent to Lots 23 and 24, Block 6 and to Lots 1 and 2, Block 5, Sun Garden Village, Second Section, City and County of Midland, Texas. (Generally located on the west side of North Carver Street, approximately 270 feet south of Dormard Avenue.) (DEVELOPMENT SERVICES) (First reading held July 9, 2013.)

ORDINANCE NO. 9167

AN ORDINANCE VACATING AND ABANDONING A 0.138-ACRE PORTION OF EAST SPRUCE AVENUE RIGHT-OF-WAY ADJACENT TO LOTS 23 AND 24, BLOCK 6, AND TO LOTS 1 AND 2, BLOCK 5, SUN GARDEN VILLAGE, SECOND SECTION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH CARVER STREET, APPROXIMATELY 270 FEET SOUTH OF DORMARD AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$599.20; AND

ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Moreno read the caption of Ordinance No. 9167.

Council Member Morales moved to approve the second and final reading of Ordinance No. 9167 in accordance with the Charter of the City of Midland; seconded by Council Member James. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James. NAY: None. ABSTAIN: None. ABSENT: Sparks.

27. Consider an ordinance on second reading on a request for the vacation of a 0.098-acre portion of the right-of-way of North Carver Street adjacent to Lot 1, Block 5, Sun Garden Village, Second Section, City and County of Midland, Texas. (Generally located on the south of East Spruce Avenue, approximately 150 feet north of East Pine Avenue.) (DEVELOPMENT SERVICES) (First reading held July 9, 2013.)

ORDINANCE NO. 9168

AN ORDINANCE VACATING AND ABANDONING A 0.098-ACRE PORTION OF NORTH CARVER STREET RIGHT-OF-WAY ADJACENT TO LOT 1, BLOCK 5, SUN GARDEN VILLAGE, SECOND SECTION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON SOUTH SIDE OF EAST SPRUCE AVENUE, APPROXIMATELY 150 FEET NORTH OF EAST PINE AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$424.90; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Moreno read the caption of Ordinance No. 9168.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9168 in accordance with the Charter of the City of Midland; seconded by Council Member Morales. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James. NAY: None. ABSTAIN: None. ABSENT: Sparks.

28. Consider an ordinance on second reading on a request for the vacation of a 0.185-acre portion of the right-of-way of Spruce Avenue adjacent to Lot 4, Block 12 and to Lot 1, Block 11, Sun Garden Village, Second Section, City and County of Midland, Texas. (Generally located on the east side of Jackson Street, approximately 270 feet south of Dormard Avenue.) (DEVELOPMENT SERVICES) (First reading held July 9, 2013.)

ORDINANCE NO. 9169

AN ORDINANCE VACATING AND ABANDONING A 0.185-ACRE PORTION OF EAST SPRUCE AVENUE RIGHT-OF-WAY ADJACENT TO LOT 4, BLOCK 12, AND TO LOT 1, BLOCK 11, SUN GARDEN VILLAGE, SECOND SECTION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH JACKSON STREET, APPROXIMATELY 270 FEET SOUTH OF DORMARD AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$804.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Moreno read the caption of Ordinance No. 9169.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9169 in accordance with the Charter of the City of Midland; seconded by Council Member James. The motion carried by the following vote: AYE: Love, Morales, Trost,

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

29. Consider an ordinance on second reading establishing intersection stops at various locations within the City of Midland, Texas; requiring and authorizing the posting of appropriate signs at intersections; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES) (First reading held July 9, 2013.)

ORDINANCE NO. 9170

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

Deputy City Secretary Moreno read the caption of Ordinance No. 9170.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9170 in accordance with the Charter of the City of Midland; seconded by Council Member Morales. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James. NAY: None. ABSTAIN: None. ABSENT: Sparks.

PUBLIC HEARINGS

30. At approximately 10:30 A.M. hold a public hearing and consider an ordinance on a request by Kenneth Huseman for a zone change from FD, Future Development to LR-2, Local Retail District on a 6.08-acre tract of land (Tract 1), to LI, Light Industrial District a 40.90-acre tract of land (Tract 2), to PD, Planned District for a Housing Development a 37.72-acre tract of land (Tract 6), to 1F-3, One-Family Dwelling District a 55.83-acre tract of land (Tract 10), from PD, Planned District for a Shopping Center, to LR-2, Local Retail District a 13.70-acre tract of land (Tract 3), to PD, Planned District for a Housing Development a 16.61-acre tract of land (Tract 4), to BP, Business Park District a 21.82-acre tract of land (Tract 7), from BP, Business Park District to PD, Planned District for a Housing Development a 34.39-acre tract of land (Tract 5), to 1F-3, One-Family Dwelling District a 2.77-acre tract of land (Tract 9), from LR-2, Local Retail District to BP, Business Park District a 0.74- (DEVELOPMENT SERVICES)

ORDINANCE NO. 9171

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 6.08-ACRE TRACT OF LAND ("TRACT 1") WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT; BY PERMITTING A 40.90-ACRE TRACT OF LAND ("TRACT 2") WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS AN LI, LIGHT INDUSTRIAL DISTRICT; BY PERMITTING A 13.70-ACRE TRACT OF LAND ("TRACT 3") WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT; BY PERMITTING A 16.61-ACRE TRACT OF LAND ("TRACT 4") WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE

USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; BY PERMITTING A 34.39-ACRE TRACT OF LAND ("TRACT 5") WHICH IS PRESENTLY ZONED BP, BUSINESS PARK DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; BY PERMITTING A 37.72-ACRE TRACT OF LAND ("TRACT 6") WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; BY PERMITTING A 21.82-ACRE TRACT OF LAND ("TRACT 7") WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS A BP, BUSINESS PARK DISTRICT; BY PERMITTING A 0.74-ACRE TRACT OF LAND ("TRACT 8") WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A BP, BUSINESS PARK DISTRICT; BY PERMITTING A 2.77-ACRE TRACT OF LAND ("TRACT 9") WHICH IS PRESENTLY ZONED BP, BUSINESS PARK DISTRICT, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT; BY PERMITTING A 55.83-ACRE TRACT OF LAND ("TRACT 10") WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT; ALL OF SAID TRACTS BEING OUT OF SECTION 12, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS; ALL OF SAID TRACTS BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS MADE A PART HEREOF; SAID TRACTS ARE GENERALLY LOCATED ON THE SOUTH SIDE OF WEST INTERSTATE HIGHWAY 20, SOUTH OF LOOP 250; 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

Interim Planning Division Manager Ken VanDyne gave an overview of the item noting the Traffic Impact Study showed that the road network proposed was rated level "F" which means gridlock, stop and go traffic, and a higher chance of accidents. He explained the road issues will be addressed by having each tract, as it is developed, with internal roads, widening of intersections and installation of traffic signals to bring up to a "C" level or better. The developer is receptive to the plan.

Mayor Perry opened the public hearing at 11:21 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Moreno read the caption of Ordinance No. 9171.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9171 in accordance with the Charter of the City of Midland; seconded by Council Member James. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James. NAY: None. ABSTAIN: None. ABSENT: Sparks.

31. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Rednecks Draffhouse for an Amended Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a lounge, on a 5,000 square foot portion of Lot 1, Block 1, Mesa Verde Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of N. Midland Drive and Neely Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9172

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 5,000 SQUARE FOOT PORTION OF LOT 1, BLOCK 1, MESA VERDE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH MIDLAND DRIVE AND NEELY AVENUE), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, 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

Interim Planning Division Manager Ken VanDyne gave an overview of the item noting it was a request for an existing SUP in a strip mall to expand its current operation into the suite next door, adding an additional 140 seats. Their hours will remain the same. Three letters of objection were received.

Police Chief Price Robinson answered questions about police calls to the area.

Council Member Trost suggested that Police Officers might need to be hired as security.

Mayor Perry opened the public hearing at 11:30 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Moreno read the caption of Ordinance No. 9172.

Building Official Steve Thorpe reported that when Mr. Roumell took over the property the expansion had already taken place. He brought it to the City's attention and brought in people to ensure that the expansion had been done correctly and was up to code.

Gene Roumell, applicant, reported that their peak hours are Friday and Saturday. They keep two floor managers on at all times on those nights. He expressed concern about having to pay \$35 per hour, per night, for two police officers. He noted he has not increased his capacity because the expansion was done with a previous owner. He further noted that he was the one who brought the discrepancy to the City's attention. When asked if he would consider hiring one police officer Mr. Roumell responded that the rules require two officers. He likes to do business the right way and he works closely with TABC. His business just celebrated its first anniversary and he does not want to needlessly spend extra money and potentially jeopardize his business.

Council Member Morales moved approval of the first of two readings of Ordinance No. 9172 in accordance with the Charter of the City of Midland; seconded by Council Member James. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James. NAY: None. ABSTAIN: None. ABSENT: Sparks.

32. At approximately 10:36 A.M. hold a public hearing and consider a resolution on a request by Butch Corey / Heart of America for a Temporary Land Use Permit for a Carnival on Lot 1 Block 17, Skyline Terrace, Unit 2, City and County of Midland, Texas.

(Generally located on the southwest corner of the intersection of W. Loop 250 North and N. Midkiff Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 218

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

Interim Planning Division Manager Ken VanDyne gave an overview of the item noting it was for the bi-annual carnival held at the mall to be held Friday, August 16 through Sunday, August 25 with operating hours of 5:00 p.m. to 11:00 p.m. Monday through Friday, and Saturday and Sunday from 2:00 p.m. to midnight. No alcoholic beverages will be sold and staff recommended approval.

Council Member Love noted that this date as the same as the Midland County Fair and asked if the applicant was aware of that fact.

Mayor Perry opened the public hearing at 11:42 a.m.

Lindsey Keys, 4511 N. Midkiff, reported that the mall is aware that the events take place at the same time. She noted the contracts had been negotiated before she became a part of the mall team and that in the future they will check the dates prior to scheduling.

There being no one else wishing to speak, the public hearing was closed at 11:44 a.m.

Council Member James moved to adopt Resolution No. 2013 - 218; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Morales, Trost, Perry, Dufford, James. NAY: None. ABSTAIN: Love. ABSENT: Sparks.

33. At approximately 10:39 a.m. hold a public hearing and consider a resolution expressing the intent of the Midland City Council to continue in effect Title VI, "Police Regulations", Chapter 9, "Curfew Hours for Minors", of the Midland City Code pursuant to Texas Local Government Code Section 370.002. (POLICE)

RESOLUTION NO. 2013 - 219

RESOLUTION EXPRESSING THE INTENT OF THE MIDLAND CITY COUNCIL TO CONTINUE IN EFFECT TITLE VI, "POLICE REGULATIONS", CHAPTER 9, "CURFEW HOURS FOR MINORS", OF THE MIDLAND CITY CODE PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 370.002

City Manager Sharp reported that every few years the Council is required to renew the curfew hours.

Mayor Perry opened the public hearing at 11:45 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member James moved to adopt Resolution No. 2013 - 219; seconded by Council Member Morales. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James. NAY: None. ABSTAIN: None. ABSENT: Sparks.

MISCELLANEOUS

34. Consider a motion approving a proposed preliminary plat of Southwest Crossing, being a 254.33-acre tract of land out of Section 12, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south side of West Interstate Highway 20, south of South Loop 250 West.) (DEVELOPMENT SERVICES)

Interim Planning Division Manager Ken VanDyne gave an overview of the item noting these were the first two pieces and they will be looking at the Traffic Impact Study.

Council Member Trost moved to approve a motion approving a proposed preliminary plat of Southwest Crossing, being a 254.33-acre tract of land out of Section 12, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south side of West Interstate Highway 20, south of South Loop 250 West.); seconded by Council Member Morales. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James. NAY: None. ABSTAIN: None. ABSENT: Sparks.

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

Council Member Dufford moved to appoint Brad Bullock to the Planning & Zoning Commission; seconded by Council Member James. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James. NAY: None. ABSTAIN: None. ABSENT: Sparks.

Council Member Morales moved to reappoint Larry Edgerton to the Permian Basin Community Centers for Mental Health and Mental Retardation; seconded by Council Member James. The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James. NAY: None. ABSTAIN: None. ABSENT: Sparks.

EXECUTIVE SESSION

36. Mayor Perry 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 Deliberate 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.

b. Section 551.072 Deliberation Regarding Real Property.

b.1. Discuss the purchase, exchange, lease or value of real property described as Acres: 0.321, Block 035, Lots 5 & 6, Block 35 Addition, Original Town,

Midland, Midland County, Texas.

- b.2. Discuss the purchase, exchange, lease or value of real property described as Acres: 0.321; Block: 035, Lots 7 & 8, Original Town, Midland, Midland County, Texas.
- b.3. Discuss the purchase, exchange, lease or value of real property described as Acres: 1.0 acres more or less, Lots 7-12, Block 039, Original Town Addition, City of Midland, Midland County, Texas.
- b.4. Discuss the purchase, exchange, lease or value of real property described as Acres: 1.0 acres more or less, Block 38, Lots 1-6, Original Town, City of Midland, Midland County, Texas.

Mayor Perry recessed the meeting to Executive Session at 12:01 p.m. The entire Council met in Executive Session until 1:55 p.m.

All of the business at hand having been completed, the meeting adjourned at 1:55 p.m.

PASSED AND APPROVED the 13th day of August, 2013.

W. Wesley Perry, Mayor

ATTEST:

Amy M. Turner, City Secretary