

**MIDLAND CITY COUNCIL
MINUTES
August 13, 2013**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on August 13, 2013.

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

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney Keith Stretcher, Deputy City Manager Tommy Hudson, Assistant City Manager Jim Nichols, City Secretary Amy Turner, Police Chief Price Robinson, General Services Director Robert Patrick, Fire Chief Robert Patrick, Utilities Director Stuart Purvis, Administrative Services Director Catherine Clifton, Finance Director Bob McNaughton, Community Services Director Tina Jauz, Acting Engineering Director David Beard, Planning Division Manager Cameron Walker, Building Official Steve Thorpe, GIS Manager Bill Hodge, Public Information Officer Sara Higgins, Multimedia Developer Ryan Stout, and Community Development Manager Sylvester Cantu.

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at ____ a.m., August 13, 2013.

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

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

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:00 a.m.

Ron Jenkins delivered invocation.

1. Invocation - Pastor Douglas P. Lamb, Fannin Terrace Baptist Church
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 Tedrick Macklin Day.

PUBLIC COMMENT

acknowledged Bob McNaughton birthday.

Noted Stuart Purvis's last Council Meeting. Ken VanDyne leaving thanked.

no comments.

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

CONSENT AGENDA

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

5. Approved a motion approving the following minutes:

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

- a. Regular meeting of July 23, 2013.

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

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

b. Special meeting of August 6, 2013.

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

6. Approved a resolution ratifying the emergency purchase of electrical work to replace wiring in vandalized light poles at Grande Stadium from D & E Electric LLC for the Parks Division. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 220

RESOLUTION RATIFYING EMERGENCY ACTIONS TAKEN TO REPLACE WIRING IN THIRTY-THREE (33) VANDALIZED LIGHT POLES AT THE SCHARBAUER SPORTS COMPLEX AT A COST OF \$58,335.38; AND WAIVING THE FORMAL BIDDING REQUIREMENT

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

7. Approved a resolution approving a contract for paving, sidewalks, alleys and streets for the Engineering Services Department. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 221

RESOLUTION AWARDED THE CITY OF MIDLAND PAVING: ALLEY, STREET AND SIDEWALK ("COMPASS") PROJECT TO ONYX CONTRACTORS OPERATIONS, LP, OF MIDLAND, TEXAS, AT AN AMOUNT NOT TO EXCEED \$1,000,000.00; AND APPROPRIATING FUNDS

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

8. Approved a resolution approving the sole source purchase of 500 - 520RA single port MXU's (radios) for the Customer Service Division. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 222

RESOLUTION AUTHORIZING THE PURCHASE OF FIVE HUNDRED (500) 520RA SINGLE PORT RADIOS FOR USE WITH THE CITY'S AUTOMATIC WATER METER READING SYSTEM, FROM WESTERN INDUSTRIAL SUPPLY, L.L.C., OF ODESSA, TEXAS, AT A TOTAL COST OF \$60,000.00; AND SAID PURCHASE WAS NOT BID BUT PURCHASED AS A SOLE SOURCE

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

9. Approved a resolution approving the sole source purchase of 2 - XG-75 portable radios with accessories, 10 - XM-100F-D02 mobile radios with accessories, 3 - EX55-PBU8B portable radios with accessories and 1 - MAHK-S8MEX mobile radios with accessories for the Communication and Information Systems Department. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 223

RESOLUTION AUTHORIZING THE PURCHASE OF SIXTEEN (16) MOBILE RADIOS IN ASSORTED CONFIGURATIONS, WITH ACCESSORIES, FROM HOLSUM BAKERS, INCORPORATED, DBA CAPROCK COMMUNICATIONS OF MIDLAND, TEXAS; SAID PURCHASE WAS NOT BID BUT PURCHASED AS A SOLE SOURCE; AND THE COSTS FOR THE RADIOS SHALL BE APPROXIMATELY \$71,276.25

love these and why proprietary. Sharlett only handle proprietary but p25 compliance will work on old system and new system. just coming out of having to buy propriety and new system. these are only radios that will work? Sharlett on current system these are the only radios. Sharlett will take one year to one and half years to build infrastructures. Love purp for radios> Sharlett some go to PD with microphones, belt clips and little pieces that is considered an accessory. It depends on the dept needs.

Council Member Morales moved to adopt Resolution No. 2013 - 223; seconded by Council Member Love.

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

10. Approved a resolution approving the purchase of 3 refuse bodies and 1 cart body through HGAC from Kann Manufacturing Corporation of Guttenberg, Iowa for the Garage Division. (GENERAL SERVICES)

RESOLUTION NO. 2013 - 224

RESOLUTION APPROVING THE PURCHASE OF THREE (3) REFUSE BODIES AND ONE (1) CART BODY, FOR REFUSE TRUCKS FOR THE GARAGE DIVISION, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (HGAC) AT A TOTAL COST OF \$409,597.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

11. Approved a resolution awarding the project described as Terminal Vehicle Parking Expansion (9019) at Midland International Airport to Jones Bros. of Odessa, Texas, and

appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2013 - 225

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH JONES BROS. OF ODESSA, TEXAS, FOR THE PROJECT DESCRIBED AS TERMINAL VEHICLE PARKING EXPANSION (9019) AT THE MIDLAND INTERNATIONAL AIRPORT; THE COUNCIL PREVIOUSLY AUTHORIZED ADVERTISEMENT FOR BIDS FOR THE PROJECT; THE TOTAL ESTIMATED COST OF SAID PROJECT IS \$1,929,554.35; AND APPROPRIATING FUNDS

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

12. Approved a resolution authorizing the Mayor, City Manager and City Attorney to execute Federal Aviation Administration Grant #54 from the Federal Aviation Administration (FAA) upon receipt. (AIRPORTS)

RESOLUTION NO. 2013 - 226

RESOLUTION AUTHORIZING THE MAYOR, CITY MANAGER, AND THE CITY ATTORNEY TO EXECUTE FEDERAL AVIATION ADMINISTRATION GRANT NUMBER 54 IN THE ESTIMATED AMOUNT OF \$3,404,500.00 UPON RECEIPT FROM THE FEDERAL AVIATION ADMINISTRATION; SAID GRANT WILL FUND NINETY PERCENT (90%) OF THE FAA ELIGIBLE PORTION OF PROJECTS AT THE MIDLAND INTERNATIONAL AIRPORT; SAID GRANT FUNDS ARE TO BE DEPOSITED IN THE AIRPORT FUND UPON RECEIPT

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

13. Approved a resolution to authorize the Mayor to execute a Lease and Operating Agreement with the Midland County Fresh Water Supply District No. 1 (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2013 - 227

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AND OPERATING AGREEMENT WITH THE MIDLAND COUNTY FRESH WATER SUPPLY DISTRICT NO. 1; THE DISTRICT HAS ACQUIRED RIGHT-OF-WAY AND DESIGNED, CONSTRUCTED, INSTALLED, AND FINANCED, CERTAIN INFRASTRUCTURE INCLUDING WELLS AND PIPELINES TO DELIVER GROUNDWATER OWNED BY THE CITY FROM BENEATH THOSE CERTAIN TRACTS OF LAND LOCATED IN WINKLER AND LOVING COUNTIES TO A DELIVERY POINT LOCATED APPROXIMATELY AT THE INTERSECTION OF HIGHWAY 191 AND FM 1788; AND THE DISTRICT HAS CONSTRUCTED EXTENDED INFRASTRUCTURE RELATED TO THE T-BAR PROJECT AT THE REQUEST OF THE CITY; AND THE CITY WILL OPERATE AND MAINTAIN THE EXTENDED INFRASTRUCTURE

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

14. Approved a resolution approving a 20-foot sewer line easement. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2013 - 228

RESOLUTION APPROVING A 20-FOOT SEWER LINE EASEMENT LOCATED IN SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS; PROVIDING THAT SAID EASEMENT SHALL BE IN A FORM ACCEPTABLE TO WESTERN-T CORPORATION, VINEYARD RESERVE, LLC, AND THE CITY OF MIDLAND; AUTHORIZING THE CITY OF MIDLAND'S ACCEPTANCE OF SAID EASEMENT CONTINGENT UPON INSPECTION AND APPROVAL OF THE SEWER LINE LOCATED THEREIN; DETERMINING THE VALUE OF SAID EASEMENT TO BE \$49,400; AND PROVIDING WESTERN-T CORPORATION A CREDIT IN SAID AMOUNT AT THE TIME OF PLATTING

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

15. Approved a resolution accepting the property located at 310 W. Texas Avenue (known as the Building of the Southwest). (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2013 - 229

RESOLUTION AUTHORIZING THE ACCEPTANCE OF LOTS 7 AND 8, BLOCK 35, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (COMMONLY KNOWN AS THE BUILDING OF THE SOUTHWEST AND LOCATED AT 310 WEST TEXAS AVENUE); DIRECTING THE CITY MANAGER TO OBTAIN A DEED FROM THE OWNER; AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY FOR THE ACCEPTANCE OF SAID PROPERTY; AUTHORIZING PAYMENT FOR CLOSING COSTS; AND ORDERING RECORDATION

Trost include City Attorney's office because technical legal nature should have rep of City Attorney.

Council Member Trost moved to approve Approved a resolution accepting the property located at 310 W. Texas Avenue (known as the Building of the Southwest) with the amendment to include the City Attorney's office ; seconded by Council Member Love.

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

16. Approved a resolution allocating \$142,992 from the Hotel/Motel Construction Fund and

appropriating \$90,000 from the Hotel/Motel Unappropriated Fund Balance to the Bill Williams Softball Complex Renovations Project. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2013 - 230

a resolution authorizing the allocation of funds from the Hotel/Motel Construction Fund and appropriating funds for the Bill Williams Softball Complex Renovations Project.

Sparks don't have enough info to spend as much as for a renovation project at \$232,000 and would like to at least have a little bit more information. Haven't had time to absorb and understand whether getting a good deal. Seems like spending top dollar for construction cost that if not essential why put it off until contractors are more amiable to do work. Had talked about what cost per square foot of reno is to concession stand. Laurie Williams \$113/square foot. Reason more expensive is ADA renovation which has added to cost substantially. Sparks have question whether it should take that much money to do those renovations.

Council Member James moved to adopt Resolution No. 2013 - 230; seconded by Council Member Dufford.

Perry is it something we have to have today. Laurie would like to keep facilities up to date and not able to bring tournaments and would like to keep it up to date. Restrooms definitely need to be renovated and concession stand is quite small. How big is it size? Laurie 1/3 larger. Morales were tournaments down? Laurie by at least half. Trust the return to the city about softball tournaments is considerable and tax dollars generated through sales for hotel is considerable do we have any kind of estimate with loss of half of the tournaments. Bob Mcanughton it used to be with sales tax in \$19 to \$20 M range could see \$300,000 with in mid 30th can't pinpoint it. Trust because don't have facilities to keep up with and need to accommodate national tournaments. We competing with pretty good complexes that have been built in last 10-15 years and in favor of it.

Tommy approved at hotel/motel tax advisory board parks national plan need to make changes to facilities and improve to scale what is driving that so can be to pflight 4a as far as facilities and need to spruce up that is part of master plan and approved by hotel/motel tax advisory board.

Sparks not necessarily against renovation just not sure the timing is right right now. Reason down on tournaments has to do with fact that we're full and until get built not going to have extra tournaments right now. do think once construction costs lay down and not quite as high as right now would be a good time to do renovations when people can come in for the tournaments. Not saying bad project just not sure timing is right.

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

17. Approved a resolution to grant a variance to Ordinance 8769 (January 1, 2010 Oil and Gas Well Drilling Ordinance) to allow building permits for residences, to be issued in the future, where the proposed residence, either in whole or part is no closer than 374.8 feet of an existing oil and gas well. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 231

RESOLUTION GRANTING A VARIANCE FOR LOTS 11-13, BLOCK 4,

STONEBRIDGE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (COMMONLY KNOWN AS 1120, 1122 AND 1200 MILLTOWN ROAD), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 374.8 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

18. Approved a resolution approving the issuance of a permit to Vector Oil & Gas LP (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Barron #4) located 838 feet from the north line and 2,186 feet from the west line located in Section 6, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of Oriole Drive, approximately 840 feet south of Mockingbird Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 232

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO VECTOR OIL & GAS LP ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 838 FEET FROM THE NORTH LINE AND 2,186 FEET FROM THE WEST LINE, SECTION 6, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF ORIOLE DRIVE, APPROXIMATELY 840 FEET SOUTH OF MOCKINGBIRD LANE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

19. Approved a resolution approving the issuance of a permit to Midland Energy, Inc. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Wimberley 1 #4) located 832 feet from the south line and 982 feet from the east line located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the East Loop 250 North, north of North Fairgrounds Road) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 233

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO MIDLAND ENERGY, INC. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 832 FEET FROM THE SOUTH LINE AND 982 FEET FROM THE EAST LINE, SECTION 1, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF EAST LOOP 250 NORTH, NORTH OF NORTH FAIRGROUNDS ROAD); AND WAIVING THE

REQUIREMENT OF A ROAD REPAIR AGREEMENT

Council Member James moved to adopt Resolution No. 2013 - 233; seconded by Council Member Morales.

Trost question with worded why are we waiving are they not using city roads? Ron only using loop 250

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

20. Approved a resolution approving the issuance of a permit to CrownQuest Operating, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (COM Nail #1) located 1,550 feet from the south line and 1,980 feet from the east line located in Section 36, Block 39, T-1-N, T&P RR Co. Survey, City of Midland and County of Martin, Texas. (Generally located on the east side of the State Highway 349, approximately 2 ½ miles north of Arapahoe Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 234

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CROWNQUEST OPERATING, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 1,550 FEET FROM THE SOUTH LINE AND 1,980 FEET FROM THE EAST LINE, SECTION 36, BLOCK 39, T-1-N, T&P RR CO. SURVEY, CITY OF MIDLAND AND MARTIN COUNTY, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF THE STATE HIGHWAY 349, APPROXIMATELY 2 ½ MILES NORTH OF ARAPAHOE ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

21. Approved a resolution approving the issuance of a permit to CrownQuest Operating, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (COM Nail #2) located 660 feet from the north line and 2,173 feet from the east line located in Section 36, Block 39, T-1-N, T&P RR Co. Survey, City of Midland and County of Martin, Texas. (Generally located on the east side of the State Highway 349, approximately 3 miles north of Arapahoe Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 235

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CROWNQUEST OPERATING, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 660 FEET FROM THE NORTH LINE AND 2,173 FEET FROM THE EAST LINE, SECTION 36, BLOCK 39, T-1-N, T&P RR CO. SURVEY, CITY OF MIDLAND AND MARTIN COUNTY, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF THE STATE HIGHWAY 349, APPROXIMATELY 3 MILES NORTH OF ARAPAHOE ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

22. Approved a resolution approving the issuance of a permit to CrownQuest Operating, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (COM Nail #3) located 467 feet from the north line and 467 feet from the east line located in Section 36, Block 39, T-1-N, T&P RR Co. Survey, City of Midland and County of Martin, Texas. (Generally located on the east side of the State Hwy 349, approximately 3 miles north of Arapahoe Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 236

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CROWNQUEST OPERATING, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 467 FEET FROM THE NORTH LINE AND 467 FEET FROM THE EAST LINE, SECTION 36, BLOCK 39, T-1-N, T&P RR CO. SURVEY, CITY OF MIDLAND AND MARTIN COUNTY, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF THE STATE HIGHWAY 349, APPROXIMATELY 3 MILES NORTH OF ARAPAHOE ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

23. Approved a resolution approving the issuance of a permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 #8) located 660 feet from the north line and 660 feet from the west line located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south side of the west extension of Mockingbird Lane, approximately ¾ mile west of Golden Gate Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 237

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 660 FEET FROM THE NORTH LINE AND 660 FEET FROM THE WEST LINE, SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF THE WEST EXTENSION OF MOCKINGBIRD LANE, APPROXIMATELY ¾ OF A MILE WEST OF GOLDEN GATE DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

24. Approved a resolution approving the issuance of a permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 22A #3) located 660 feet from the north line and 587 feet from the east line located in Section 22, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south side of the west extension of Mockingbird Lane, approximately 1 mile north of Briarwood Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 238

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 660 FEET FROM THE NORTH LINE AND 587 FEET FROM THE EAST LINE, SECTION 22, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF THE WEST EXTENSION OF MOCKINGBIRD LANE, APPROXIMATELY 1 MILE NORTH OF BRIARWOOD AVENUE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

25. Approved a resolution approving the issuance of a permit to Petroplex Energy, Inc. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Western-T 8 #4) located 2,173 feet from the south line and 2,173 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of the extension of North Midland Drive, approximately 1/2 mile north of Green Tree Boulevard.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 239

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PETROPLEX ENERGY, INC. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,173 FEET FROM THE SOUTH LINE AND 2,173 FEET FROM THE WEST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF THE EXTENSION OF NORTH MIDLAND DRIVE, APPROXIMATELY ½ MILE NORTH OF GREEN TREE BOULEVARD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

26. Approved a resolution to grant a variance to Ordinance 8769 (January 1, 2010 Oil and Gas Well Drilling Ordinance) to allow building permits for residences, to be issued in the future, where the proposed residence, either in whole or part is no closer than 155.0 feet of an existing oil and gas well. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 240

RESOLUTION GRANTING A VARIANCE FOR LOTS 37-42, BLOCK 7, LOTS 4-13, 19-25 AND 36, BLOCK 18, LOTS 1-10, BLOCK 20, AND LOTS 1-7, 9-12 AND 21-25, BLOCK 21, GREATHOUSE ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF HOLIDAY HILL ROAD, SOUTH OF MOCKINGBIRD LANE), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 155.0 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

27. Approved a resolution to grant a variance to Ordinance 8769 (January 1, 2010 Oil and Gas Well Drilling Ordinance) to allow building permits for residences, to be issued in the future, where the proposed residence, either in whole or part is no closer than 330.1 feet of an existing oil and gas well. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 241

RESOLUTION GRANTING A VARIANCE FOR LOTS 38-41, BLOCK 18, LOT 2, BLOCK 19, AND LOTS 1 AND 2, BLOCK 24, GREATHOUSE ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF HOLIDAY HILL ROAD, SOUTH OF MOCKINGBIRD LANE), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 330.1 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

28. Approved a resolution to grant a variance to Ordinance 8769 (January 1, 2010 Oil and Gas Well Drilling Ordinance) to allow building permits for residences, to be issued in the future, where the proposed residence, either in whole or part is no closer than 155.0 feet of an existing oil and gas well. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 242

RESOLUTION GRANTING A VARIANCE FOR LOTS 7-12 AND 15, BLOCK 13, LOTS

6, 7, 9 AND 13-39, BLOCK 14, LOTS 12-21, BLOCK 24, AND LOTS 3-16, BLOCK 26, GREATHOUSE ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF HOLIDAY HILL ROAD, SOUTH OF MOCKINGBIRD LANE), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 155.0 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

29. Approved a resolution to grant a variance to Ordinance 8769 (January 1, 2010 Oil and Gas Well Drilling Ordinance) to allow building permits for residences, to be issued in the future, where the proposed residence, either in whole or part is no closer than 155.0 feet of an existing oil and gas well tank battery. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 243

RESOLUTION GRANTING A VARIANCE FOR LOTS 38 AND 39, BLOCK 18, AND LOTS 1-5 AND 36-42, BLOCK 24, GREATHOUSE ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF HOLIDAY HILL ROAD, SOUTH OF MOCKINGBIRD LANE), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 155.0 FEET OF A TANK BATTERY; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

30. Approved a resolution authorizing the execution of a Right-of-Way License Agreement between the City of Midland and CrownQuest Operating, LLC, for the purpose of placement, operation and maintenance of three (3) three (3) inch poly surface flow lines within a portion of City owned property, Block 39, T-1-N, T.&P. RR. CO. Survey, Martin County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 244

RESOLUTION AUTHORIZING A RIGHT-OF-WAY LICENSE WITH THE CITY OF MIDLAND, TEXAS AND CROWNQUEST OPERATING LLC; SAID RIGHT-OF-WAY LICENSE IS FOR THE PURPOSE OF DRILLING AND MAINTAINING THREE (3) OIL WELLS AND ASSOCIATED ROAD WAY, SURFACE FLOW LINES, TANK BATTERIES, TRANSMISSION LINES, AND FRAC PITS; THE THREE OIL WELLS ARE LOCATED WITHIN THE CITY OF MIDLAND, SECTION 36, BLOCK 39, T-1-N, T&P RR CO. SURVEY, MARTIN COUNTY, TEXAS; THE LICENSE TERM IS FOR TEN (10) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE AND MAY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL FIVE (5) YEAR TERM UPON 90 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

31. Approved a resolution authorizing the City Manager or execute an amendment to an existing Utility Crossing Agreement with Union Pacific Railroad. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 245

RESOLUTION AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL AGREEMENT WITH UNION PACIFIC RAILROAD COMPANY ("UNION PACIFIC") REGARDING CERTAIN UTILITIES THAT HAVE BEEN ABANDONED OR REMOVED FROM UNION PACIFIC'S RIGHT-OF-WAY

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

32. Approved a motion on a request by Schumann Engineering Company for the Ranchero Park – Section 7 to approve items requested for deferral and to waive the associated public improvement guarantee. The subject property is located south of I-20 along County Road 1120. (ENGINEERING SERVICES)

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

33. Approved a resolution to appropriate donated funds resulting from the proceeds of the 2013 Bad Boy Blast to the Midland Police Department. (POLICE)

RESOLUTION NO. 2013 - 246

RESOLUTION ACCEPTING A CASH DONATION OF \$44,000.00 FROM THE "BAD BOY BLAST" FUND-RAISING PROJECT SPONSORED BY CONOCO-PHILLIPS; THE DONATED FUNDS WILL BE USED TO PURCHASE LAW ENFORCEMENT EQUIPMENT, TECHNOLOGY, AND TRAINING; AND APPROPRIATING SAID FUNDS

Council Member Sparks moved to approve Consent Agenda items 5 - 33 excluding 9, 15, 16, 19, 34, 35, 36; seconded by Council Member Dufford.

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

34. Approved a resolution to appropriate funds to the Police Supervisory Training Project. (POLICE)

RESOLUTION NO. 2013 - 247

RESOLUTION AUTHORIZING THE MIDLAND POLICE DEPARTMENT TO TRANSFER THE APPROPRIATION OF FUNDS FROM THE POLICE EQUIPMENT AND TECHNOLOGY PROJECT TO THE POLICE SUPERVISORY TRAINING PROJECT IN THE AMOUNT OF \$48,000.00; THE MIDLAND POLICE DEPARTMENT WILL USE SAID FUNDS TO HOST A LAW ENFORCEMENT SUPERVISORY TRAINING SERIES; THERE IS NO FISCAL IMPACT TO THE CITY

Love what specific training offered? Price training discussed for last 2 years of mid level staff sgt and above. some topics will start with sup princ, prof ethics, emp law, cust serv. comm/. understnad generations. etc. reviewd changes. Love there is no cultural or diversity training? Price police community relations includes hring the right people and felt for this audience and police nad community relations will address that. Love who is giving trianing. Price sponsored by SGR taught by law enforcement professionals. Strategic Government Resources.

Council Member Love moved to adopt Resolution No. 2013 - 247; seconded by Council Member Trost.

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

35. Approved a resolution to enter into a contract with Del Carmen Consulting, LLC to provide services in connection with the evaluation of racial profiling data collected by the Midland Police Department. (POLICE)

RESOLUTION NO. 2013 - 248

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH DEL CARMEN CONSULTING, LLC, TO PROVIDE SERVICES IN CONNECTION WITH THE EVALUATION OF RACIAL PROFILING DATA COLLECTED BY THE MIDLAND POLICE DEPARTMENT

Does del carment only provide anal of racial profiling or also police harrassment. Price majority is racial profiling. Love when report is done does he offer solutions to eliminate or reduce racial profiling or strictly examine numbers and data. Price examines number and data and if necessary will offer solutions. He does annual report for state and ensure that data is in line and doe ssearch annalysis.

Council Member Trost moved to adopt Resolution No. 2013 - 248; seconded by Council Member Sparks.

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

james includes reporting person.

36. Consider a Resolution Approving the execution of a Task Order for Additional Inspection and Construction Management Services for the several ongoing projects with CDM Smith Inc. and Appropriate Funds. (UTILITIES)

RESOLUTION NO. 2013 - 249

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT TASK ORDER WITH CDM SMITH INC., FOR PROFESSIONAL INSPECTION SERVICES AND CONSTRUCTION MANAGEMENT SERVICES FOR THE MIDLAND WATER PURIFICATION PLANT RAW WATER PROJECT AND THE MBR SATELLITE REUSE PROJECT, AT AN ESTIMATED TOTAL COST OF \$248,000.00; AND APPROPRIATING FUNDS

Love, who signed additional work and what was additional work. Stuart several things is project has gone long and have to do additional inspection, CDM engineer has to be able to oversee project. Stuart right now waiting on Oncor they are buried out here and hard to get things done it has to do with doing business in this environment. Stuart one of the delays had to do with getting a black mason at NBR plant and drove back and forth to Lubbock because no one here with set block. Morales while waiting for ONCOR doing other work. Stuart yes everything that can be done.

Council Member Dufford moved to adopt Resolution No. 2013 - 249; seconded by Council Member James.

Love confines of contractor Stuart electricity Stuart have to make sure they are doing what we paid them to do. Inspector and engineer are two items we need. Love material testing increased beyond original budget. Stuart, Midland airport was Army Airbase and runway extend down there and surprised them and had to find out what it was before could move forward. We built runways when drilled did not find what expected to find to ensure building structurally sound.

Trost will inspector be looking...future of projects and addition of home sure we prepared to handle all things required. Stuart will make sure this project is built appropriately. City has adequate water supplies. Wastewater has significant capacity. Permitted \$21 MGD seeing 10.5 . plenty of additional capacity.

Love on this work was additional cost negotiated see letter this is what expenses are. Stuart illegal to negotiate cost with Engineering company in state of Texas. In initial contract have cost per hours.

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

SECOND READINGS

37. Consider an ordinance on second reading 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-acre tract of land (Tract 8). (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

sr rco

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

38. Consider an ordinance on second reading on a request by Rednecks Draffthouse 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

sr rco

Council Member Love moved to approve the second and final reading of Ordinance No. 9172 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

Trost was security resolved yes

PUBLIC HEARINGS

39. At approximately 10:30 a.m. hold a public hearing and consider a resolution on a request by Museum of the Southwest for approval of a Temporary Land Use Permit for an Outdoor Amusement Function. (Generally located on the south side of Missouri Avenue, between "J" and "L" Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 250

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN OUTDOOR AMUSEMENT FUNCTION ON LOTS 10-12, BLOCK 93, LOTS 1-5, BLOCK 105, AND BLOCKS 94 AND 104, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF MISSOURI AVENUE, BETWEEN "J" STREET AND "L" STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Ken req for mus of sw 43 annual fund raising sept 6-8. Already have artist exhibitions and live music, petting zoo, on premedis alcohol consumption. Have a plan for traffic control provided insurance policies, silimar event last year sept 70-9 no incident rec last year staff rec approval.

wp oph 10:40 a.m. cph

Council Member Morales moved to adopt Resolution No. 2013 - 250; seconded by Council Member James.

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

40. At approximately 10:33 a.m. hold a public hearing and consider a resolution on a request by Community and Senior Services for a Temporary Land Use Permit for a Philanthropic Event. (Generally located on the north side of Scharbauer Drive, approximately 250 feet west of Lamesa Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 251

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A PHILANTHROPIC EVENT ON THE WEST 51.5 FEET OF LOT 5, ALL OF LOTS 6-10, AND THE EAST 22 FEET OF LOT 11, BLOCK 8, LOMA LINDA REPLAT, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF SCHARBAUER DRIVE, APPROXIMATELY 250 FEET WEST OF LAMESA ROAD); MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Ken another fund raiser event 19th annual shuttle parking service at Mercado to SW. They are going to have public fac restrooms. Help guide traffic with security oct 18-oct 20. staff rec approval.

wp oph 10:42 a.m. cph

Council Member Dufford moved to adopt Resolution No. 2013 - 251; seconded by Council Member Morales.

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

41. At approximately 10:36 a.m. hold a public hearing and consider an ordinance on a request by David and Nancy Tyler for a Specific Use Permit Without Term for a Vineyard. (Generally located on the west side of Irvin Drive, approximately 240 feet south of East Loop 250 North.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9173

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF A 1.50-ACRE PORTION OF LOT 53, BLOCK 2, SKYVIEW DEVELOPMENT, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF IRVIN DRIVE, APPROXIMATELY 240 FEET SOUTH OF EAST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A VINEYARD; 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

Ken new for Midland tast of permian basin Wine. Request for SUP on agricultural estates district allowed by right. 1 1/2 acre vineyard looking to irrigate by well water. No sale but for off premis sale of vinyard for nay grapes harvested. 5 acre lot south of loop 250 at 4405 Irvwin drive. Staff sees no reason to object. mayor why a PH. Ken why would a vineyard not follow AE Ken consider commercial farm given size. if drinking but since selling.

Sparks with term. VanDyne without term.

wp oph 10:45 a.m. cph

sr rco

Council Member James moved approval of the first of two readings of Ordinance No. 9173 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

42. At approximately 10:39 a.m. hold a public hearing and consider an ordinance on a request by Darrell Mann/GRACO for a zone change from PD, Planned District for a Shopping Center to Amended Planned District on Lot 20, Block 5, North Park, Section 16, City and County of Midland, Texas (Generally located on the north side of West Loop 250 N. approximately 1,200 feet west of Whitman Drive) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9174

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 20, BLOCK 5, NORTH PARK, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF LOOP 250, EAST OF BILLINGSLEY BOULEVARD); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Ken request for zone change of PD site plan. Original PD for entire commons area in front of blue Ridge on Loop 250. Proposed location is western location just for zone change at this point SUP at a later date. Abuelos new location plenty of parking. facade matches requirements, will have patio. staf rec approval.

Love application conform to exhibits why are they parking spaces for handicapped so far away from building? ken that is a goo dpoitn and can work with the developer. When do parking state is that parking layout is illustrive of final plan. Ken with council approval take a look at amend that item in the ord so don't have to come back at a later date.

Love can it be done by second reading. Ken can be done by second reading.

wp oph 10:50 a.m.

Darrel Mann Lubbock, question on parking will have ADA parking as close to front door as possible. 4 designated now. 5002 County road 1425 Lubbock, TX

cph 10:51 a.m.

sr rco

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9174 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

43. At approximately 10:42 a.m. hold a public hearing regarding a proposed oil and gas permit to Rust Oil Corporation (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Moss Partnership "9" No. 1) located 2,183 feet from the south line and 1,616 feet from the east line located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of the extension of North Garfield Street, approximately 1/2 mile north of Mockingbird Lane.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Mayor part of property left dais.

Ron reviewed by O&G Rust addressed issues. Comm rec 2 yar land var and accept offer to provide security at school during school hours. Rust oil made offer and comm rec taking it. no loj received.

Spark oph 10:54 a.m. cph

44. At approximately 6:00 p.m. hold a public hearing regarding a proposal establishing the ad valorem tax rate of .431927 per \$100 taxable assessed valuation for the Fiscal Year 2013 - 2014. (FINANCE)

reconvene at 6:00 p.m. all council, courtney, Jim, Keith

Finance Director Bob McNaughton gave an overview of the item second of two required public hearings on proposed tax rate. 2.9161 less than 2013 budget 6.32% than rate last year. reviewed figures comparing this year to last year. Ntoice will appear in tomorrow morning's MRT .431927 rate max rate you may adopt you may go lower not higher.

dufford, give sense of property value went up 6% will I pay more or less. Bob will pay less. The tax rate is 6.7% less than last year. As long as valuations went up less than 6.7% you will pay less in 2013 than in 2012.

wp oph 6:04 p.m.

Randy Atwood, 3217 W Golf Course Road, worked for City for 30 years lived here 48 years. Representing seniors of Midland. Know the City take sin millions each month for sales tax airport, hotel etax property tax and utilities. Asked Council to forgo raising property taxes on seniors over 65. Seniors struggling just to make ends meet. Question did City purchase Court House in Midland? Is company coming in to demolish it or will City have to pay for it? If so why do tax payers have to pay for charge instead of people building the tower? Why didn't they buy property first? Have lived in two busts in Midland and expects it to happen again and older people will be stuck paying the taxes after the younger ones leave. Please don't raise senior's taxes just barely getting by. Do not have ability to increase salary living on fixed income.

Laurie Stephens, 5000 Rainbow Rd, asked city to designate idyllwild and? as a park. Doesn't appear it was part of park master plan and asked what could be done. The cost for 8 feet concrete path around basin would be about \$165,000. would really like to see concrete path and landscaping/xeriscaping because area has been eyesore for 16 years or longer. Asked line item in this year's budget to address the retention basin completion.

John Arroyo, 12710 ECR 135, question has council decided what going to do and just going through formalities? Like first gentleman he is retired. Do not want taxes to go up can't afford it. Receive social security for \$134 plus pension used to be school teacher. Listen to the community do not want taxes raised.

Thomas Flornoy, 3302 W Kansas Street, asked to hold the tax rate because in financial collapse in United States. Dollar has been devaluated and it will not be a picnic when the devaluation happens. People should be saving their money to tackle emergencies when they come up. Put money in gold, silver, food supply or water supply. without electricity will be in bad shape.

Dan Anderson, 1700 Storey, hear people's stories and heart goes out to them. Not affected like people living under fixed income. Always thought of Midland as conservative town where best government is small government. High taxes and govt programs don't work. If you want something done grab long stick and keep govt at other end. Blessed with an economy like any other and face housing crises, and worker shortage. Raise taxes forcing prices higher. City Council is not business of wiring houses. Every permit issued grasps at heels of economy. the people can meet demand if granted the freedom to do so. First priority reduce taxes to bare minimum while trimming unnecessary programs. Rates should be in race to bottom with Tyler. Second priority increase supply of homes remove road block from waive permit process for all private homes. People of Midland ready for small govt and ready to keep.

203 Knob link cannot raise tax on senior citizen tax already sky high and can't afford to pay any more. fought with central appraisal. Live off of social security and no way to get another job. Please don't raise tax on senior citizens just too high.

Joel Rogers, 2200 North H Street, would like to address gentleman running for Mayor would like to address what he said. City Council's duty is due process. I want to build a gigantic outlet mall next to house and that is city council job to say can't build too close to highway or close to residential. To remove the permit issue fully disagree. There is a difference between capitalism and socialism that is being abused. Developers cannot come in and do whatever they want. Not happy with City council's aggression on

pursuingcapitalism is city goes to 300,000 in five years, there is a gentleman who wants his leaders to built a growth culture in Midland. come from Round Rock Austin and miserable unelss like urban center pop culture party place. Part of job is to control growth. Concerned about good attributes of this community. Some questions about tower. city asked for effective tax increase. Received document regarding Bill Meyer energy tower Memo of Understanding on Page 2 not part of real estate deal contribute land to company give 10 year tax abatement there is multiple contribute grant \$12,000 per parking space to a max of \$30M. Wrote City Attorney's office through Tammi. Letter go back was not helpful documents speak for themselves. It's not part of the binding agreement. Mayor never saw letter. Joel go letter from attorney. Mayor there is no letter of understanding. Joel how much money are we going to give to them? Quoted with vain comments. Plan on retiring here. Perry nothing at this point has been given to the company. Joel Mr. Sharp quoted in 6/13 MRT that they have not approached City for assistance but do anything to assist in downtown revitalization. Respectfully disagree and don't want money given to a millionaire. How many full time/part time employees? Mayor off topic approx 1000. Concern about City promoting downtown revitalization about smart plan. This tower will bring in an urban culture and don't see that there will be a demand because lofts at cigar frogs would be full. This is not being built for Midlanders but for people out of town. Concern about traffic that will be caused by tower. Red light camers are unconstitutional. Guilty until proven innocent. Just like public/private collaboration it looks bad. Growth of City is not what makes everybody happy. Traffic is getting worse and making people cold. NAFTA roads will bring more crime.

Nancy Jones 706 E Broadway, on downhill side of working have 23 year old daughter does not work in oil field. Kids can't leave home because rents are so highw hen you don't work in oil field. Seen taxes constantly go up and City Services go down. Trash is only being picked up once a week not twice a week. Should be able to afford to buy a house or rent an apartment. Young people are leaving Midland because can't afford.

Ken Holmes 5027 Pleasant Drive, directly from budet proposal population growing steadily housing pries cont to rise. Council and cost of living index is 99.8 equal to Houston. Continue to raise taxes and number will continue to go higher. If continue to raise txes will continue to get worse.

Mary Mary 3511 Boyd Street, asked question last week but nobody answered. County is lowering tax rate. Fasking moved out of downtown EOG mvoing out of downtown, Chevron is moving out of town. Mayor have not done anything with Energy Tower, paid county for property and they bought things for us, new fire truck and two new ambulances. trade about 1.5 M notwithstanding all of that. Dufford if went up more than 6.7%. Mayor suggested sitting down one on one to look at her circumstances. Taxing epople in Midland who can't afford it.

Spencer Bennett, 3503 Imperial Ave, first Council meeting, have enviable position, many cities don't have boom we have and many other cities also don't have growing pains. How to deal with that in a postiive way is tough. good points have been made. Lst 4 years tax valuation has gone up considerably but next door to low housing area. not the neighborhood it was 10 years ago but tax valuations keep going up. Feels it is a stealth tax on him. Understand elderly citizens are concenred can't make the jump. have a mother elderly and on fixed income. We don't all have oil field incomes but don't have \$60,000 month paycheck. It cnalook good with great economy lets get a little bit

more but remember the transients are going to leave and citizens will be stuck with high tax rate. Want something that's fair and want someone to listen to citizens.

Glenda Southerland, 728 Beckley, do we need tax change? Have set in meetings and see where money is going. Worried about bathrooms being remodeled that is costing money. Taxes have gone up \$15 on city's portion. Overall taxes have gone up. Husband is 66 it is supposed to be frozen but not really. It can go up. Deal with trash and trying to work on and seeing that City gets up there and cleans up town. How much toward code enforcement? very concerned about tax rate. Learn to live within means.

Michael Strange, 3918 NCR 1247, talk about downtown plan that will affect taxes. understand \$5m for long. can keep taxes lower if agree not to give any money to any business. should not give money to private enterprise.

cph 6:52 p.m.

Mayor thanked those who came out for meeting. Bob next Tuesday morning at 9:00 a.m. is on budget. followed by voted on budget and rate to fund budget. following Monday morning 9 a.m. August 26 will be final vote on proposed FY 2013-14 budget followed by vote on tax rate required to fund budget.

Adjourn meeting at 6:54 p.m.

MISCELLANEOUS

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

no appointments were made.

Mayor Perry recognized Boy Scouts present earning merit badge.

EXECUTIVE SESSION

Mayor announced will go to executive session, recessing the meeting room downstairs and reconvene in the chamber at 6:00 p.m. tonight for the last public hearing.

recessed to executive session at 11:04 a.m.

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:

- a. Section 551.074 Personnel Matters

- a.1. Deliberate the employment, evaluation, compensation and duties of the City Manager, the City Attorney, the City Secretary, the Municipal Court Presiding Judge and the Municipal Court Associate Judge.

- b. Section 551.087 Deliberate Economic Development Negotiations

- b.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.

All of the business at hand having been completed, the meeting adjourned at _____.m.

PASSED AND APPROVED the ____ day of _____, ____.

W. Wesley Perry, Mayor

ATTEST:

Amy M. Turner, City Secretary