MIDLAND CITY COUNCIL
MINUTES
September 24, 2013

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ___ a.m. on September 24, 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., September 24, 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 10:07 a.m.

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:

PUBLIC COMMENT

Rachel Stone, 1902 N. Pecos, here last time regarding trash did get ahold of TXDot but have not heard back from anybody in Ciyt not sure who is responsible for icking up trashbags. Why are we having annual pick up when just comes back again. Find out who it is that is responsible on Big Spring by Plaza INN near loop.

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

5. Approved a motion approving the following minutes:

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

a. Regular meeting of September 10, 2013.

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

b. Special meeting of September 17, 2013.

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

6. Approved a resolution approving the purchase of 3 - Sidewheel Roll Irrigation Systems

for the Spraberry Farm. (PURCHASING)

RESOLUTION NO. 2013 - 313
RESOLUTION AUTHORIZING THE PURCHASE OF THREE COMPLETE SIDE-WHEEL ROLL IRRIGATION SYSTEMS FOR USE AT THE SPRABERRY FARM FACILITIES FROM MESA IRRIGATION COMPANY, OF LAMESA, TEXAS, AT A TOTAL COST OF $51,250.00

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

7. Approved a resolution approving the purchase of an estimated annual supply of 4,400 gallons of Polymer for dewatering to treat the City's drinking water for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2013 - 314
RESOLUTION AUTHORIZING THE PURCHASE OF AN ANNUAL SUPPLY OF POLYMER FOR DEWATERING FOR TREATING CITY OF MIDLAND DRINKING WATER FROM POLYDYNE, INCORPORATED, FOR A TOTAL PRICE OF $40,867.20

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

8. Approved a resolution approving the purchase of an estimated annual supply of 7,500 gallons of Earthtec or equal to treat the City's drinking water for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2013 - 315
RESOLUTION AUTHORIZING THE PURCHASE OF AN ANNUAL SUPPLY OF COPPER SULFATE SOLUTION FOR TREATING CITY OF MIDLAND DRINKING WATER FROM THE LOW BIDDER, CHEMRITE, INCORPORATED, FOR A TOTAL PRICE OF $66,675.00

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

9. Approved a resolution approving the purchase of an estimated annual supply of 10,000 gallons of Potassium Permanganate to treat the City's drinking water for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2013 - 316
RESOLUTION AUTHORIZING THE PURCHASE OF AN ANNUAL SUPPLY OF

POTASSIUM PERMANGANATE FOR TREATING CITY OF MIDLAND DRINKING WATER FROM THE LOW BIDDER, F2 INDUSTRIES, L.L.C., FOR A TOTAL PRICE OF $21,400.00

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

10. Approved a resolution approving the purchase of an estimated annual supply of 562,000 gallons of Chlorine for the Water Purification Plant and the Paul Davis Wellfield; 10-150 pound cylinders and 15 - 1 ton cylinders of Chlorine for the T-Bar and Airport Wellfield to treat the City's drinking water for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2013 - 317

RESOLUTION AUTHORIZING THE PURCHASE OF AN ANNUAL SUPPLY OF CHLORINE FOR TREATING CITY OF MIDLAND DRINKING WATER FROM THE SOLE BIDDER, DPC INDUSTRIES, INCORPORATED, FOR A TOTAL COST OF $207,134.00

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

11. Approved a resolution approving the purchase of an estimated annual supply of 20,000 gallons of Polymer to treat the City's drinking water for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2013 - 318

RESOLUTION AUTHORIZING THE PURCHASE OF AN ANNUAL SUPPLY OF POLYMER FOR TREATING CITY OF MIDLAND DRINKING WATER FROM POLYDYNE, INCORPORATED, FOR A TOTAL PRICE OF $77,160.00

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

12. Approved a resolution approving the purchase of an estimated annual supply of 25 tons of Powdered Activated Carbon to treat the City's drinking water for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2013 - 319

RESOLUTION AUTHORIZING THE PURCHASE OF TWENTY-FIVE (25) TONS OF POWDERED ACTIVATED CARBON FOR TREATING CITY OF MIDLAND DRINKING WATER FROM BRENNTAG SOUTHWEST, INCORPORATED, FOR A TOTAL COST

OF $26,450.00

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

13. Approved a resolution approving the purchase of an estimated annual supply of 10,000 gallons of Aluminum Sulfate to treat the City's drinking water for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2013 - 320

RESOLUTION AUTHORIZING THE PURCHASE OF AN ANNUAL SUPPLY OF ALUMINUM SULFATE FOR PURIFYING CITY OF MIDLAND DRINKING WATER FROM THE LOW BIDDER, CHAMELEON INDUSTRIES, INCORPORATED, FOR A TOTAL PRICE OF $496,960.00

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

14. Approved a resolution approving the purchase of an estimated annual supply of 10,000 gallons of Liquid Ammonium Sulfate to treat the City's drinking water for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2013 - 321

RESOLUTION AUTHORIZING THE PURCHASE OF AN ANNUAL SUPPLY OF LIQUID AMMONIUM SULFATE FOR TREATING CITY OF MIDLAND DRINKING WATER FROM BRENNTAG SOUTHWEST, INCORPORATED, AT A TOTAL COST OF $11,000.00

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

15. Approved a resolution approving plans and specifications and authorizing advertisement for bids and appropriating funds for the renovation of two (2) stairwells at Grande Stadium at the Scharbauer Sports Complex for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2013 - 322

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE RENOVATION OF TWO STAIRWELLS AT GRANDE COMMUNICATIONS STADIUM; AND ALLOCATING $250,000.00 TO THE GRANDE STAIRWELL PROJECT (9065)

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

16. Approved a resolution authorizing the execution of the 2013 Airsho Agreement between the City of Midland, Texas and the Commemorative Air Force (CAF). (AIRPORTS)

RESOLUTION NO. 2013 - 323

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COMMEMORATIVE AIR FORCE, INCORPORATED, FOR THE STAGING OF AN AIRSHOW AT THE MIDLAND INTERNATIONAL AIRPORT; THE AGREEMENT ALLOWS THE COMMEMORATIVE AIR FORCE TO HOST AN AIRSHOW ON MIDLAND INTERNATIONAL AIRPORT PROPERTY, SETS REQUIRED INSURANCE LEVELS AS WELL AS ADMINISTERING EMERGENCY RESPONSE PERSONNEL; THE AIRSHOW WILL COMMENCE FRIDAY, OCTOBER 11, 2013 AND CONCLUDE ON SUNDAY, OCTOBER 13, 2013

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

17. Approved a resolution authorizing the City Manager to negotiate and execute a partial assignment of the Commercial Land/Use Agreement between Deer Horn, LTD Co. and The City of Midland, Texas to Ross Aviation, Denver, Colorado. (AIRPORTS)

RESOLUTION NO. 2013 - 324

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PARTIAL ASSIGNMENT OF THE COMMERCIAL LAND/USE AGREEMENT BETWEEN DEER HORN AVIATION LTD., CO. AND THE CITY OF MIDLAND, TEXAS TO ROSS MIDLAND LLC, DENVER, COLORADO

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

18. Approved a resolution authorizing the formation of a Spaceport Development Corporation under Title 12, Planning and Development, Texas Statutes and Codes, Chapter 507. (AIRPORTS)

RESOLUTION NO. 2013 - 325

RESOLUTION OF THE CITY OF MIDLAND, TEXAS ESTABLISHING A SPACEPORT DEVELOPMENT CORPORATION AS AUTHORIZED BY CHAPTER 507 OF THE TEXAS LOCAL GOVERNMENT CODE; THE SPACEPORT DEVELOPMENT

CORPORATION IS CREATED IN COORDINATION WITH AND IN CONJUNCTION WITH MIDLAND COUNTY, TEXAS; THE SPACEPORT DEVELOPMENT CORPORATION SHALL BE KNOWN AS THE MIDLAND SPACEPORT DEVELOPMENT CORPORATION AND SHALL BE GOVERNED BY CHAPTER 507 OF THE TEXAS LOCAL GOVERNMENT CODE; THE SPACEPORT DEVELOPMENT CORPORATION SHALL BE GOVERNED BY A BOARD OF SEVEN DIRECTORS AND FOUR OF THE DIRECTORS SHALL BE MIDLAND CITY COUNCIL MEMBERS AND THREE OF THE DIRECTORS SHALL BE APPOINTED BY MIDLAND COUNTY, TEXAS; AND APPOINTING FOUR (4) MEMBERS TO THE BOARD OF DIRECTORS

Sparks Marv aware that this is tight timeline. Pulled it because going to have 4 Council Members need to discuss which 4 want to be on board. Sparks, Love, Morales, Trost. marv county appointed 3 yesterday. Robert Donnely, john eckels, harry spance. Mayor talk about what it is. Marv funding fromstate allocated on this years budget allow 15M to go into spaceport fund. 1 of 2 locations that cna qualify for funding. The powers of corporation that allow to protect orridors into future to make sure remain safe with spaceport itself. Way for us to be able to see spaceport and meet requirements of FAA.

Dufford appoint Love, Morales, Trost Sparks approve and auth mayor to make agrement. Dufford/Love 7-0

19. Approved a resolution authorizing the submission of a Spaceport Trust Fund application to the State of Texas. (AIRPORTS)

RESOLUTION NO. 2013 - 326

RESOLUTION OF THE CITY OF MIDLAND, TEXAS, AUTHORIZING THE MAYOR TO SEEK A THIRTY-DAY EXTENSION FROM THE OFFICE OF AEROSPACE AND AVIATION WITHIN THE ECONOMIC DEVELOPMENT AND TOURISM DIVISION OF THE OFFICE OF THE GOVERNOR FOR PROJECTS THAT PROVIDE FOR THE DEVELOPMENT OF SPACEPORTS IN TEXAS; THE ECONOMIC DEVELOPMENT AND TOURISM DIVISION OF THE OFFICE OF THE GOVERNOR IS THE ADMINISTERING AGENCY FOR THE SPACEPORT TRUST FUND AND THE CITY IS SEEKING A THIRTY-DAY EXTENSION TO APPLY FOR SAID FUNDS; THE MAYOR IS AUTHORIZED AND DIRECTED TO FILE A REQUEST FOR AN EXTENSION WITH KEITH GRAF, DIRECTOR OF THE OFFICE OF AEROSPACE AND AVIATION; THE MAYOR IS ALSO AUTHORIZED AND DIRECTED TO SEND A COPY OF HIS LETTER TO THE HONORABLE TOM CRADDICK, TEXAS HOUSE OF REPRESENTATIVES, DISTRICT 82, AND THE HONORABLE KEL SELIGER, TEXAS STATE SENATOR, DISTRICT 31

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

20. Approved a resolution authorizing the execution of a 2014 Routine Airport Maintenance Program (RAMP) Agreement between the City of Midland, Texas and Texas Department of Transportation (TXDOT), and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2013 - 327

RESOLUTION AUTHORIZING THE EXECUTION OF A 2014 ROUTINE AIRPORT MAINTENANCE PROGRAM AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS AND THE TEXAS DEPARTMENT OF TRANSPORTATION TO PROVIDE AN AUTOMATED WEATHER OBSERVING SYSTEM AT MIDLAND AIRPARK; AND APPROPRIATING NECESSARY FUNDS

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

21. Approved a resolution allocating $138,100.00 from the Fiscal Year 2012-2013 Budget General Fund (001) NonDepartmental (150) Interfund Transfer (0199) budget account to the Technology Acquisitions 2013 Project (0199). (CISD)

RESOLUTION NO. 2013 - 328

RESOLUTION APPROPRIATING $138,100.00 TO THE TECHNOLOGY ACQUISITIONS 2013 PROJECT (9066)

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

22. Approved a resolution authorizing a contract with the Midland Chamber of Commerce in the amount of $1,547,684 to promote tourism, convention, and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2013 - 329

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE MIDLAND CHAMBER OF COMMERCE TO PROMOTE TOURISM AND THE CONVENTION AND HOTEL INDUSTRY IN THE CITY

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

23. Approved a resolution authorizing a contract with the Commemorative Air Force in the amount of $50,000 to promote tourism and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2013 - 330

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE COMMEMORATIVE AIR FORCE, INCORPORATED TO PROMOTE TOURISM AND THE HOTEL INDUSTRY IN THE CITY; AND THE CITY SHALL PROVIDE A MAXIMUM OF $50,000.00 IN FUNDING FROM THE CITY’S HOTEL/MOTEL FUND

Council Member Sparks allow Mayor negotiate and exeucte contract with CAF in amount of $50,000 as he sees fit based off this morning's discussion; seconded by Council Member James.

sparks pulled bse don discussions would like to continue and give Mayor auth to negotiate and sparks, Dufford part of finishing up contract and follow bullet points as discussed

Mayor don't mind doing but iwll call Council to know what final contract looks like.

James very difficult wnat to support AirSho but highly disappointing about the move. From his perspective feel helpless that cna't do anything but have to do $50,000to continue to promote AirSho. Mayor at end of day memberhisp decides but do have control over what happens inMidland want museum to be here and continue to grow and be better and want this to be best AirSho in country. Not say headquarters isn't importnat but its the closest to heart can't say thorw away CAF.

Trost curious as to what percipitated what created the angst. Mayor memberhsip board decided this is what they want to do. Trost when this came about 22 years ago remmeber how excited eeryone in the city was and everybody put out a lot of effort to bring them to Midland. They moved them to Midland for free. To hink about beingmoved out of Midland even if just admins taff sitll an insult. At AirSho have met people from around world thta says this is best AirSho in world.

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 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.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 331

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RUST OIL CORPORATION ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,183 FEET FROM THE SOUTH LINE AND 1,616 FEET FROM THE EAST LINE, 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 ½ MILE NORTH 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 Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

25. Approved a resolution to increase the appropriation of funds previously authorized by Resolution No. 2012-425 for the HOME Investment Partnerships Program Reservation System Participant Homebuyer Assistance Program from $41,600.00 to $249,600.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 332

RESOLUTION AUTHORIZING AN AMENDMENT TO RESOLUTION 2012-425 TO INCREASE THE APPROPRIATION OF FUNDS FOR THE HOME INVESTMENT PARTNERSHIP PROGRAM RESERVATION SYSTEM PARTICIPANT HOMEBUYER ASSISTANCE PROGRAM FROM $41,600.00 TO $249,600.00; NO LOCAL MATCH IS REQUIRED

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

26. Approved a resolution authorizing a Right-of-Way Agreement and Surface Use Agreement with Vitol. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 299

RESOLUTION AUTHORIZING A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND VITOL MIDSTREAM PIPELINE LLC; SAID RIGHT-OF-WAY LICENSE IS FOR ENTERING THE CITY OF MIDLAND'S RIGHT-OF-WAY FOR THE PURPOSE OF PLACING, INSTALLING, CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND REMOVING ONE (1) PIPELINE, FOR THE TRANSPORTATION OF OIL AND GAS MATERIALS AND TO HAVE THE RIGHT OF INGRESS AND EGRESS AT CONVENIENT POINTS FOR SUCH PURPOSE; THE PIPELINE IS LOCATED WITHIN THE CITY OF MIDLAND RIGHT-OF-WAY, SECTIONS 4, 9, 16, AND 21, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; THE LICENSE TERM IS FOR TWENTY (20) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE AND MAY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL TWENTY (20) YEAR TERM UPON 90 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

Council Member Dufford moved to defer indefinately ; 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.

27. Approved a resolution authorizing the execution of a Public Improvement Development Agreement with Isreal Bernal for the future design and construction of water distribution and wastewater collection improvements to serve the Ranchland Acres Addition - Section 4 in the amount of $67,433. The subject property is generally located along the south frontage road of I-20 approximately 400' west of Midland Drive. Said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 333

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH WIRELINE ACCESSORIES AND SALES, LLC FOR WATER DISTRIBUTION AND WASTEWATER COLLECTION IMPROVEMENTS TO RANCHLAND ACRES ADDITION, SECTION 4; AND APPROPRIATING FUNDS THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

28. Approved a resolution authorizing the execution of a Public Improvement Development Agreement with Blaine Covington for the installation of water distribution improvements to serve the Covington Addition in the amount of $256,567. The subject property is generally located along the northwest corner of SH 191 and FM 1788. Said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 334

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH 2010 MIDLAND PROPERTIES, JV LLC FOR DEVELOPMENT OF COVINGTON ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ALONG THE NORTHWEST CORNER OF STATE HIGHWAY 191 AND FARM-TO-MARKET ROAD 1788); AND APPROPRIATING FUNDS IN THE AMOUNT OF $285,367.00 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

29. Approved a resolution authorizing the execution of a Temporary Water and Sewer Service Agreement between the City of Midland and PFP Indus Group, LLC (OptiBlend) for services to an approximate 8.96 acre tract of land out of the north half of Section 12, Block 40, T 2 S, T&P RR Co. Survey, Midland County, Texas; said property is outside the City limits; PFP Indus Group, LLC has executed a letter agreeing to annexation if and when the property is annexed; PFP Indus Group, LLC shall be charged a rate for service which is one and one half times the rate charged customers in the City limits; and ordering recordation by the City Secretary. (Midland ETJ) (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 335

RESOLUTION AUTHORIZING THE EXECUTION OF A TEMPORARY WATER AND SEWER SERVICE AGREEMENT BETWEEN THE CITY OF MIDLAND AND PFP INDUS GROUP, LLC FOR SERVICES TO AN APPROXIMATE 8.96-ACRE TRACT OF

LAND OUT OF THE NORTH HALF OF SECTION 12, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; SAID PROPERTY IS OUTSIDE THE CITY LIMITS; PFP INDUS GROUP, LLC HAS EXECUTED A LETTER AGREEING TO ANNEXATION IF AND WHEN THE PROPERTY IS ANNEXED; PFP INDUS GROUP, LLC SHALL BE CHARGED A RATE FOR SERVICE WHICH IS ONE AND ONE-HALF TIMES THE RATE CHARGED CUSTOMERS IN THE CITY LIMITS; AND ORDERING RECORDATION BY THE CITY SECRETARY

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

30. Approved a resolution authorizing the execution of a Temporary Water and Sewer Service Agreement between the City of Midland and PFP Indus Group, LLC (OptiBlend) for services to an approximate 8.47 acre tract of land out of the north half of Section 12, Block 40, T 2 S, T&P RR Co. Survey, Midland County, Texas; said property is outside the City limits; PFP Indus Group, LLC has executed a letter agreeing to annexation if and when the property is annexed; PFP Indus Group, LLC shall be charged a rate for service which is one and one half times the rate charged customers in the City limits; and ordering recordation by the City Secretary. (Midland ETJ) (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 336

RESOLUTION AUTHORIZING THE EXECUTION OF A TEMPORARY WATER AND SEWER SERVICE AGREEMENT BETWEEN THE CITY OF MIDLAND AND PFP INDUS GROUP, LLC FOR SERVICES TO AN APPROXIMATE 8.47-ACRE TRACT OF LAND OUT OF THE NORTH HALF OF SECTION 12, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; SAID PROPERTY IS OUTSIDE THE CITY LIMITS; PFP INDUS GROUP, LLC HAS EXECUTED A LETTER AGREEING TO ANNEXATION IF AND WHEN THE PROPERTY IS ANNEXED; PFP INDUS GROUP, LLC SHALL BE CHARGED A RATE FOR SERVICE WHICH IS ONE AND ONE-HALF TIMES THE RATE CHARGED CUSTOMERS IN THE CITY LIMITS; AND ORDERING RECORDATION BY THE CITY SECRETARY

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

31. Approved a resolution to accept and appropriate grant funding awarded through the FY2013 Justice Assistance Grant Program. (POLICE)

RESOLUTION NO. 2013 - 337

RESOLUTION AUTHORIZING THE CITY OF MIDLAND POLICE DEPARTMENT IN CONJUNCTION WITH THE MIDLAND COUNTY SHERIFF'S DEPARTMENT TO ACCEPT THE FISCAL YEAR 2013 JUSTICE ASSISTANCE GRANT FUNDS TOTALING $29,554.00; THE CITY OF MIDLAND WILL RECEIVE $17,732.00 (60%)

AND MIDLAND COUNTY WILL RECEIVE $11,822.00 (40%) OF THE GRANT FUNDS; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS; AND APPROPRIATING FUNDS

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

32. Approved a resolution to accept funding awarded through the FY2014 Victim Coordinator Liaison Grant Program. (POLICE)

RESOLUTION NO. 2013 - 338

RESOLUTION ACCEPTING THE FISCAL YEAR 2014 VICTIM COORDINATOR AND LIAISON GRANT FROM THE TEXAS ATTORNEY GENERAL; THIS GRANT IS TO BE USED BY THE MIDLAND POLICE DEPARTMENT TO MAINTAIN A VICTIM ASSISTANCE LIAISON POSITION; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS; AND DEPOSITING THE FUNDS INTO THE GENERAL FUND

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

33. Approved a resolution to accept and appropriate grant funding awarded by TxDOT to the Midland Police Department to conduct a FY2014 Comprehensive STEP Enforcement Project. (POLICE)

RESOLUTION NO. 2013 - 339

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF $34,100.00 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION IN ORDER TO CONDUCT A FISCAL YEAR 2013-2014 COMPREHENSIVE SPECIAL TRAFFIC ENFORCEMENT PROGRAM FOR INTERSECTION TRAFFIC CONTROL ENFORCEMENT, SPEED ENFORCEMENT, AND DRIVING WHILE INTOXICATED ENFORCEMENT; SAID GRANT AWARD REQUIRES A CITY CASH MATCH IN THE AMOUNT OF $3,750.00; PROVIDING THAT THE GRANT FUNDS SHALL BE USED TO PAY OVERTIME TO POLICE OFFICERS WORKING ON SAID PROGRAM; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENT; AND APPROPRIATING GRANT FUNDS

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

34. Approved a resolution approving the budget of the Midland Emergency Communication

District for the Fiscal Year ending September 30, 2014. (POLICE)

RESOLUTION NO. 2013 - 340
RESOLUTION APPROVING THE BUDGET OF THE MIDLAND EMERGENCY COMMUNICATION DISTRICT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

35. Approved a resolution to accept a modification to the FY2013 grant award in the amount of $10,304 from the Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program and appropriate funds. (POLICE)

RESOLUTION NO. 2013 - 341
RESOLUTION ACCEPTING A MODIFICATION TO THE FISCAL YEAR 2013 GRANT AWARD FROM THE SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM IN THE AMOUNT OF $10,304.00; THESE FUNDS WILL BE DIRECTED TO THE FISCAL YEAR 2013 HIGH INTENSITY DRUG TRAFFICKING AREAS GRANT PROJECT 7107; AND APPROPRIATING FUNDS

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; seconded by Council Member Sparks.

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

36. Approved a resolution accepting a donation of $10,000 from the Westwood Trust - Yarborough Foundation. (POLICE)

RESOLUTION NO. 2013 - 342
RESOLUTION ACCEPTING A DONATION OF $10,000.00 FROM THE WESTWOOD TRUST-YARBOROUGH FOUNDATION; THE DONATED FUNDS WILL BE DEPOSITED IN THE INVEST-IN-A-VEST PROJECT TO PURCHASE BULLET PROOF VEST FOR POLICE OFFICERS; AND APPROPRIATING SAID FUNDS

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

37. Approved a resolution approving a one year extension of the contract with Sprayberry CGC, Inc. at the Spraberry Effluent Farm. (UTILITIES)

RESOLUTION NO. 2013 - 343
RESOLUTION AUTHORIZING THE EXECUTION OF A 1-YEAR EFFLUENT FARM LEASE RENEWAL AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND

SPRABERRY CGC, INCORPORATED, FOR OPERATION OF THE SPRABERRY EFFLUENT FARM

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

38. Approved a resolution approving a one year extension of the contract with Kevin Cook for part of Section 12, Block 37, TWP-3-S, T&P RR Co. Survey located at the Spraberry Effluent Farm. (UTILITIES)

RESOLUTION NO. 2013 - 344

RESOLUTION AUTHORIZING THE EXECUTION OF A 1-YEAR EFFLUENT FARM LEASE RENEWAL AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND KEVIN COOK, FOR OPERATION OF THE SPRABERRY EFFLUENT FARM

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

39. Approved a resolution approving a five year renewal of the contract with D.K. Boyd at T-Bar Ranch. (UTILITIES)

RESOLUTION NO. 2013 - 345

RESOLUTION AUTHORIZING THE EXECUTION OF A 5-YEAR LEASE RENEWAL AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND D.K. BOYD LAND AND CATTLE COMPANY, AT THE T-BAR RANCH IN WINKLER COUNTY AND LOVING COUNTY, TEXAS

Council Member Dufford moved to approve Consent Agenda items 5 - 39 excluding 18, 23, 26; 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.

SECOND READINGS

40. Consider an ordinance on second reading on a request by Development Contractors for a zone change from AE, Agriculture Estate, to LR-2, Local Retail District on a 9.10-acre tract of land (Tract 1) and to PD, Planned District for a Housing Development on a 57.51-acre tract of land (Tract 2), all out of Section 19, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of East Loop 250 North, approximately ¼ mile east of North Fairgrounds Road.) (DEVELOPMENT SERVICES) (First reading held September 10, 2013.)

ORDINANCE NO. 9180

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 9.10-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT; BY PERMITTING A 57.51-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; SAID TRACTS BEING OUT OF SECTION 19, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF EAST LOOP 250 NORTH, APPROXIMATELY 1/4 OF A MILE EAST OF NORTH FAIRGROUNDS ROAD); 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

AM rco

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9180 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

41. Consider an ordinance on second reading on a request by Brent Shields for a zone change from PD, Planned District for a Shopping Center to LR-2, Local Retail District on Lot 5, Block 2, Westridge Park Addition, Section 8, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Andrews Highway and Tradewinds Boulevard.) (DEVELOPMENT SERVICES) (First reading held September 10, 2013.)

ORDINANCE NO. 9181

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 5, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-1, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF ANDREWS HIGHWAY AND TRADEWINDS BOULEVARD); 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

AM rco

Council Member Love moved to approve the second and final reading of Ordinance No. 9181 in accordance with the Charter of the City of Midland; seconded by Council Member James.

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

42. Consider an ordinance on second reading amending Title X, "Traffic Regulations", Chapter Four, "Traffic Control Devices", Section 11, "School Zones and Crossings", of the Midland City Code, so as to designate each school zone and school crossing within the City and regulate the speed and movement of traffic therein; authorizing and directing the Traffic Engineer to install appropriate signs and markings; repealing Ordinance No. 9042; 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 September 10, 2013.)

ORDINANCE NO. 9183

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER FOUR, "TRAFFIC CONTROL DEVICES", SECTION 11, "SCHOOL ZONES AND CROSSINGS", OF THE MIDLAND CITY CODE, SO AS TO DESIGNATE EACH SCHOOL ZONE AND SCHOOL CROSSING WITHIN THE CITY AND REGULATE THE SPEED AND MOVEMENT OF TRAFFIC THEREIN; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 9042; 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

AM rco

Council Member Love moved to approve the second and final reading of Ordinance No. 9183 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

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

PUBLIC HEARINGS

43. At approximately 10:30 A.M. hold a public hearing and consider an ordinance on a request by Bobby Hill / Grace Partnership LLC for a zone change from O-1, Office District to O-2, Office District on the east 1.612-acres of Lot 7, Block 3, Gateway Plaza, Section 2, City and County of Midland, Texas. (Generally located on the north side of Starboard Drive, approximately 350 feet east of S. Tradewinds Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9184

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.612-ACRE PORTION OF LOT 7, BLOCK 3, GATEWAY PLAZA, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED O-1, OFFICE DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF STARBOARD DRIVE, APPROXIMATELY 350 FEET EAST OF SOUTH TRADEWINDS BOULEVARD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF

TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Senior Planner Jim Compton gave an overview of the item noting successful in hring Senior Planner Bob _____ . Changed from O-1 to O-2 to get a 4 story hotel. The site plan will be approved administratively based on Chapter 10 of development code. P&Z unan rec approval. staff rec approval. Dufford setback okay. Compton yes will confirm. Trost limited or full service hotel. compton don't know. James those same genreal pirnicpals at Scharbauer sports complex continues to apply such s branded name. Courtney prior to second reading will see if they have a flag designation abd abswer qyestuibs,

wp oph 10:37 a.m. cph

AM rco

Council Member Morales moved approval of the first of two readings of Ordinance No. 9184 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

44. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by North Financial Building Partners for a zone change from O-2, Office District to LR-2, Local Retail District on the north 0.938-acres of Lot 2, Block 2, Wallco Addition, Section 3, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of N. Big Spring Street and Veterans Airpark Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9185

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 0.938-ACRE PORTION OF LOT 2, BLOCK 2, WALLCO ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED O-2, OFFICE DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND VETERANS AIRPARK LANE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Senior Planner Jim compton gave an overview of the item noting a housekeeping item. Property in question because of recent replat acquired additional land that was zoned O-2 and entire parcel will be approvedl lr2. Love who brought to attention. Compton came from owner at staff recommendation.

wp oph 10:39 a.m. cph

AM rco

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

9185 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, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

45. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by Palio's Westbound, Inc. for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on 3,038 square feet portion of Lot 19A, Block 5, North Park, Section 16, City and County of Midland, Texas. (Generally located north side of W. Loop 250 North, approximately 750 feet west of Whitman Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9186

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,038 SQUARE FOOT PORTION OF LOT 19A, BLOCK 5, NORTH PARK, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 750 FEET WEST OF WHITMAN DRIVE), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Senior Planner Jim Compton gave an overview of the item noting Palio's pizza afe moved into commons the seating contains 2,200 sq ft and 114 seats. hour sof operation for alcholic beverage is 11 a.m. to midnight mon-sun. there wer no objections reeived and P&Z approved unainimously staff rec approval.

wp oph 10:42 a.m. cph

am rco

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9186 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

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

46. At approximately 10:39 A.M. hold a public hearing and consider an ordinance on a request by D. R. Horton / Texas Ltd. for a zone change from 2F, Two-Family Dwelling District on Lots 1 thru 11 and Lots 26 thru 28, Block 1, on Lots 1 thru 13, Block 2, Adobe Meadows, Section 1; and on Lots 10 thru 12, the west 0.109-acres of Lot 13, the west 2.967-acres of Tract "A", Block 8, Adobe Meadows, Section 3; to 1F-3, One-Family Dwelling District; and from 2F, Two-Family Dwelling District on Lots 5 thru 10, Block 9, Adobe Meadows, Section 4, to 1F-2, One-Family Dwelling District; and from PD,

Planned District for a Housing Development on the east 0.058-acres of Lot 13, Lots 14 thru 16 and the east 4.057-acres of Tract “A”, Block 8, Adobe Meadows, Section 3, City and County of Midland, Texas. (Generally located on the east side of State Hwy 349, north of east extension of Mockingbird Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9187

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1-11 AND LOTS 26-28, BLOCK 1, AND LOTS 1-13, BLOCK 2, ADOBE MEADOWS, SECTION 1, AND LOTS 10-12, THE WEST 0.109 ACRES OF LOT 13, AND THE WEST 2.967 ACRES OF TRACT “A”, BLOCK 8, ADOBE MEADOWS, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 2F, TWO-FAMILY DWELLING DISTRICT, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT; BY PERMITTING LOTS 5-10, BLOCK 9, ADOBE MEADOWS, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 2F, TWO-FAMILY DWELLING DISTRICT, TO BE USED AS A 1F-2, ONE-FAMILY DWELLING DISTRICT; BY PERMITTING THE EAST 0.058 ACRES OF LOT 13, LOTS 14-16, AND THE EAST 4.057 ACRES OF TRACT “A”, BLOCK 8, ADOBE MEADOWS, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT(GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 349, NORTH OF THE EAST EXTENSION OF MOCKINGBIRD LANE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Senior Planner Jim Compton gave an overview of the item noting first of 3 applications on same piece of property for 3 new proposals. This is new residential development. Applicant is replat to realign some of existing streets, resize some of lots and take all zoning to 1F2 or 1F3. the zone change will take two parcels of land on NW and SE to change to single family zoning districts and propose realignment. It doesn't affect density of area. P&z rec unan approval no objections noted and staff is upporting proposal.

Dufford has a traffic impact study been done. Compton have requested a traffic analysis further north for Lone Star trail. Sketch plan in and been advised and all working together. Jose Ortiz yes have been meeting with different developers along Big Spring and will do traffic impact analysis. Looking at collaborative effort for all developers on Big Spring and will address in timely. This developer is not responsible for atraffic impact. Dufford already impossible to get in and out of his subidivison with current traffic and. Love this is another eason Mockingbird needs to be developed. Jose looking at other options and will present. Dufford requested traffic light on Mockingbird and SH 349. Jose will palc eon list to look at.

Trost will do traffic study, how does that relate to traffic study arleady commissioned for entire City. Jose. good question. City wide is to look at signals and existing conditions bu tlook at this area as well as a region. Courtney will work with TxDOT. traffic analysis will be an overview of whole City. When have to drill down to particular subidivison will work with developer and requrie traffic impact analysis.

wp oph 10:51 a.m. cph

AM rco

Council Member Trost moved approval of the first of two readings of Ordinance No. 9187 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

47. At approximately 10:42 A.M. hold a public hearing and consider an ordinance on a request by Sonoma Housing Advisors, LLC for a Site Plan Review on a 10.79-acre tract of land out of Section 1, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of S. Lamesa Road, approximately 1,000 feet north of E. Interstate Hwy 20.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9188

AN ORDINANCE ADOPTING A SITE PLAN FOR A 10.79-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH LAMESA ROAD, APPROXIMATELY 1,000 FEET NORTH OF EAST INTERSTATE HIGHWAY 20); SUBJECT TO THE FOLLOWING CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Senior Planner Jim Compton gave an overview of the item noting for 156 apartments 7 buildings 3 stroy in height. Dufford comparable to everything else around town? compton yes. Trost did they ask for mroe density. Jim no. Love did you say 75 setback on Lattice Street. Map looks like 25. Compton

wp oph 10:58 a.m.

Tom Miller exzec director family promise __- bring to forefront need for affordable housing

cph 10:58 a.m.

AM rco (question is sther affordable housing?) listen to tape 10;58 a.m.)

Council Member Love moved approval of the first of two readings of Ordinance No. 9188 in accordance with the Charter of the City of Midland; seconded by Council Member James.

james working with apt communities on project and they have thing like airlines that cna get rate on 1 bedroom and tomorrowmight be different depending on how many mvoing out. In terms of affordable housing what is today's definition? Ex Dir questiont hat is almost unanswerable. Do know rents are not affordable for large number of Midlanders. Currently living at salvation army single mom with youjng children. $1400 for 2 bedroom is out of reach. It would be ill advised to state any rent. Some do on sliding scale based on income and that is good approach. Do see a few trying to reach those. Contiue to ask question are willing to set aside so many units on sliding scale for affordable housing. James worked with teachers will soon announce 10% for public sector employees but 10% on $1200. FP wouldn't turn 10% down but looking at $1000 - $1100 rent. A lot of families are in $7-800 month willing to work 2-3 jobs but cna't make ends meet.

Love usually in affordable housing calculations 30% is housing cost someone would have to make $3600 a month.

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

48. At approximately 10:45 A.M. hold a public hearing and consider a resolution on a request by Robert Ahola for a Temporary Land Use Permit for a Tent Sale on Lot 1, Block 17, Skyline Terrace, Unit 2, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of W. Loop 250 North and N. Midkiff Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 346

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN OUTDOOR TENT SALE ON LOT 1, BLOCK 17, SKYLINE TERRACE, UNIT 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST LOOP 250 NORTH AND NORTH MIDKIFF ROAD); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Senior Planner Jim Compton gave an overview of item request temp land use to upt up tent at Midland Park Mall. In pst tent location now moved east of entrance. days and hours of operation 9 am to 10 pm daily. Allow tent to be erected from oct 16 nov 24. When first started allowed to go 1 week and extended to 21 days. This one would be double allowed for this type of sale and get into christmas sales 68 parking spaces displaced by tent. Dufford 21 days max. Love is this tent at that location going to cause visibility problems. Comptno will not block site triangle.

wp oph 11:06 a.m. cph

Council Member Sparks moved to adopt Resolution No. 2013 - 346; seconded by Council Member James.

Dufford in favor of no more than 21 days. James the guidng use to occupy new walgreens location. Ws he required to have a permit on corner of midkiff and wadley or metal art. Compton through tup for 3 days.

Trost who owns property mall? compton yes and they gave permission.

What is christmas tree standard is about 28 days allowed by right. (james asked compton answered) If allow second vendor have to get a tup.

Council Member Morales moved to amend the motion by limiting time to 21 days ; seconded by .; 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.

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

MISCELLANEOUS

49. Consider an ordinance on a request by D. R. Horton and Curt Alvin for the vacation of drainage easements being a 2.40-acre tract and a 6.32-acre tract of land located within the dedicated rights-of-way of San Francisco Avenue, Rodeo Street, Magellan Street and Mockingbird Lane, all contained within Adobe Meadows, Sections 3 and 5, City and County of Midland, Texas. Generally located on the east side of State Hwy 349, north of east extension of Mockingbird Lane. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9189

AN ORDINANCE VACATING AND ABANDONING A 2.40-ACRE DRAINAGE EASEMENT AND A 6.32-ACRE DRAINAGE EASEMENT WITHIN THE SAN FRANCISCO AVENUE, RODEO STREET, MAGELLAN STREET AND MOCKINGBIRD LANE RIGHTS-OF-WAY, ALL OUT OF ADOBE MEADOWS, SECTIONS 3 AND 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 349, NORTH OF THE EAST EXTENSION OF MOCKINGBIRD LANE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $29,589.00; WAIVING THE FEE FOR THE COST OF THE DRAINAGE EASEMENTS; AND ORDERING RECORDATION BY THE CITY SECRETARY

Senior Planner Jim Compton gave an overview of the item noting second of 3 applications associated with Adobe Meadows. Platted many years ago. Want to change alignment of some of the street, twek patterns and move streets. with the moving of street no need for drainage. Will be revised drainage plan with common areas maintained by association. Staff rec approval. and propose to hold up second reading until have final plat and will come back at second reading to vacate drainage.

AM rco

Council Member Trost moved approval of the first of two readings of Ordinance No. 9189 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

50. Approved a motion for approval of a proposed preliminary plat of Adobe Meadows, Section 6, being a replat of Lots 1-58, Block 1, Lots 1-13, Block 2, Lots 2-10, Block 3, Lots 1-7, Block 4, and Lots 1-27, Block 5, Adobe Meadows, Section 1; of Tract “A” and Lots 10-16, Block 8, Adobe Meadows, Section 3; Lots 33-56, Block 5 and Lots 1-14, Block 9, Adobe Meadows, Section 4; Lots 11-21, Block 3, Lots 8-16, Block 4, Lots 28-32, Block 5, Lots 1-12 and Lots 14-25, Block 6, Lots 1-32, Block 7, and Lots 1-9, Block 8, Adobe Meadows, Section 5; and the to be vacated rights-of-way being 0.703-acres of

Baca Circle, 0.103-acres of Baca Street, 0.181-acres of Cerrillos Avenue, 0.57-acres of Cerrillos Court, 0.123-acres of Conquistador Court, 0.014-acres of Gallop Court, 0.002-acres of Guadalupe Street, 0.614-acres of Magellan Street, 0.409-acres of San Francisco Avenue, 0.079-acres of St. Michael Court and 1.301-acres of adjacent alleys, all in the City and County of Midland, Texas. (DEVELOPMENT SERVICES)

Senior Planner Jim Compton gave an overview of the item noting third and final of 3 applications of aplt to be called Adobe Meadows. Replat is simply to adjust the street alignments alley row. This plat exceed 25 acres in area and oes not have a publically owned park or school site. letter from misd stating do not ???. there are common areas set up as demarcation between two areas. commona rea c pavillion owned by hoa P7Z rec unan approval. staf rec approval.

Sparks not able to find common area ABC on map. Make sure have appropriate ROw for Mockingbird Arterial that looking at. Eric West parkhill Smith Cooper shared on map location of A,b and C. c for ammenity center. Other question about ROW for Mockingbird Eric nothing on Mockingbird changed and has not been modified. Mayor is there a gate on Cerillos. Eric culvert. 1700 W Wall.

Morales in area where looks congested hwo do you address public safety concerns. Eric what follow is pattern that these roads built out to standard width no different then any other neighborhood. The turn around are sized such tha trucks can aturn around. Don't look specifically how long takes to get to specific spot in neighborhood. courtney on fire and polie response fire does look at as part of plan review and ther eare certain distances and radius that they have to comply with. Love outline at guadalupe extend down to lamesa rd lamesa from loop 250 to mockingbird.

Council Member Trost moved to approve a motion for approval of a proposed preliminary plat of Adobe Meadows, Section 6, being a replat of Lots 1-58, Block 1, Lots 1-13, Block 2, Lots 2-10, Block 3, Lots 1-7, Block 4, and Lots 1-27, Block 5, Adobe Meadows, Section 1; of Tract “A” and Lots 10-16, Block 8, Adobe Meadows, Section 3; Lots 33-56, Block 5 and Lots 1-14, Block 9, Adobe Meadows, Section 4; Lots 11-21, Block 3, Lots 8-16, Block 4, Lots 28-32, Block 5, Lots 1-12 and Lots 14-25, Block 6, Lots 1-32, Block 7, and Lots 1-9, Block 8, Adobe Meadows, Section 5; and the to be vacated rights-of-way being 0.703-acres of Baca Circle, 0.103-acres of Baca Street, 0.181-acres of Cerrillos Avenue, 0.57-acres of Cerrillos Court, 0.123-acres of Conquistador Court, 0.014-acres of Gallop Court, 0.002-acres of Guadalupe Street, 0.614-acres of Magellan Street, 0.409-acres of San Francisco Avenue, 0.079-acres of St. Michael Court and 1.301-acres of adjacent alleys, all in the City and County of Midland, Texas.; 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.

51. Approved a motion approving an interpretation to an Oil and Gas Well Drilling Permit from Bluestem Energy Holdings, LLC within the City Limits, (Evans E 1) located 2,073 feet from the north line and 1,009 feet from the west line located in Section 8, Block “X”, H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the east side of the North Midland Drive, approximately ¾ mile north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

rno Jenkins permit previously approved blue Stem since requested putting up sound barriers nothng required. james why? Ron to be good neighbors lessen burden and inconv similar to Blue Stem #1. Dufford bring up todya so don't have to submit new permit. Sparks know that when put ordinance together idea was to reduce nuisance to neighborhood and this is reduction. Mayor like that it is voluntary.

Council Member James moved to approve a motion approving an interpretation to an Oil and Gas Well Drilling Permit from Bluestem Energy Holdings, LLC within the City Limits, (Evans E 1) located 2,073 feet from the north line and 1,009 feet from the west line located in Section 8, Block “X”, H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the east side of the North Midland Drive, approximately ¾ mile north of Mockingbird Lane.); 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.

52. Approved a resolution authorizing a contract with the Midland Hispanic Chamber of Commerce to promote growth and development in the City. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2013 - 347

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE MIDLAND HISPANIC CHAMBER OF COMMERCE TO PROMOTE THE CITY’S GROWTH AND DEVELOPMENT

Morales council wanted to make sure Mayor was present to help with negotiations. Sparks this is going to be disbursed on monthly basis.

Council Member Morales moved to adopt Resolution No. 2013 - 347 with amount of $60,000 continuing on same amount s last year turning in financials on monthly basis; seconded by Council Member Love.

audits at end of year (include in motion)

James offer open discussion. What do we want? It is our responsibility to say we have some expectations. Would love to see CM or staff work to develop some kind of standards and expectations not about contract but about outcomes. concerned based on experience that a small business can stay in an incubator for 5 years. May good reason. Traditionally you should incubate them out. the bird has to be nudged out of nest. Maybe some things like that and happy to work with CM or chamber and whoever he designated to fine tune incubator program marrying with hispanic chamber expectations so beyond contract cn asee fruitful agressive results. Think seeing some butmight be expectations that want to weigh in. Mayve should be 3 year limit.

Love we are not being asked to fund incubator program being asked to fund Hispanic Chamber of Commerce. Dufford thought mroe toward incubator. Morales who will oversee still having issues addressing hwo should oversee whould it go to City council ro go to Council;. Maybe should all go to City Council. Wes invited Rachel forward.

Rachel Stone help us to see what they are operating under. regafding incubator program when interested in being in program application process a business plan, reviewed by committee and the guidelines when started program no other program here. Went with national business incubator association. Went to Dallas our issue is non profit so kind of starting form zero. their guidelines they suggest flat rate for 18 months and then increase so get used to going to real world. We have no service fees no late charges. they suggest 5 years but it doesn't mean have to stay for 5 years. Were doing yearly but extended to 18 months. Issue now is rent in mvoing out if we have. Love do you think it is only fo rincubator? Rachel no for HUB and admin cost.

Morales there ws one audit missing and it is. James different question for small business incubator that was all their cnoversations about incubator. It almost seems like in theory this theory could be rachels salary and has not been intention come before council. Shocked that suggestion that not fo rincubator specifically. Morales Rachel you told me advisory committee had discussion about funding for incubator and tried to describe what contract reads and they kept saying it was for incubator. Board says you will record time and will go toward incubator to show. James what sensing contract really is wrong because we all know, believe understand $ to allocate is for an incubator program. Love not all of us. Rachel use for community development programs which largest portion is incubator program. Do a lot of business counseling and referrals. It us sued for business development. Dufford largest incubator other portion to incubator other portion to business evelopment. james how much fund Chamber from General Fund. courtney 0. think have legitmate case to make.

James thinks this hsould go to MDC. Rachel gone twice but don't qualify. Mayor trying to find balance. james difficulty is we know Midland Chamber of Commerce does workshops and small business programs that MDC does not. Conveivably they could come in and sya ready for general fund contribution. part of the compelling case is incubator.

Dufford funding utpb in past and midland college still funding? Courtney Midland College BEDC. Dufford lets make sure we log hours to make sure we know hwere money is going. Morales how do we prevent from happening every year? Mayor how is membership that look at ? Rachel bank, non-profit, two business howners mcdc and another. Mayor should have City rep on that board just to have first hand knowledge of how go through criteria. james think that is a great idea think a counil member is a bad idea think a city staff rep would be a good idea. The chair is Gary Saunders.james think outcomes is a good idea. directed courtney to sort out.

Morales think should do sooner. See 90 days out . Trost does independent contractor language. Keith organizations are not agents or employees or city for liability purposes. That doesn't mean we cant do exactly what you all are suggesting. Trost forced to move. Rachel at one point thought were going to have to move because David wanted to sell building and build new one. Proposing to build new ubilding on south lamesa which is where chamber wanted to build new building and incubator. David said he would not do anything until go full approval of hispanic chamber becasue donated to chamber and Dvid was director at time. The building was donated to foundation but ended up in hands of mcdc. His board agreed not to do anything unless together. Morales you are in good shape now.

James only question still covers is for Council to what if, have we set precedent? need to be aware.

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

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

airport board Nellwyn vicky John Trost/Morales include greg, john and dallas for reappointment replace Woody. 7-0

James asked to contract John Bergman, Becky Ferson (12:04) Becky agreed at councils please to serve have not visited with John Bergman yet.

Dufford/Love reappoint Odessa on Permian Basin 7-0.

James Midland Center Advisory Board Melissa Wicker may want to consider for 4B because of energy signature and knowledg eof people.

EXECUTIVE SESSION

no executive session. Meeting adjourned at 12:07 p.m.

54. 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:

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