

**MIDLAND CITY COUNCIL
MINUTES
September 25, 2012**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on September 25, 2012.

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

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney Keith Stretcher, Deputy City Manager Tommy Hudson, Assistant City Manager Jim Nichols, City Secretary Amy Turner, 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 Persephone Dakopolos, 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 25, 2012.

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

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

The Agenda Items were heard in the following order:

OPENING ITEMS

1. Invocation - Ryan Rampton, Golf Course Road Church of Christ
2. Pledge of Allegiance

PRESENTATIONS

Chief Robert Isbell introduced Jeff _____ from _____ - presented plaque for receiving ISO designation II. State Fire Marshall Office awards to Midland the designation. 1 best 10 worst. ISO assesses the risk. The higher the number, the more you pay in insurance. The best residential can get is a 2.

no conoco-Phillips presentation

Breast Cancer - Tammy Filling MRT Debbie Burkin from Debbie Burkin promotional products. Spoke about Pink the Basin October is Breast Cancer Awareness Tuesday October 23 pink the basin, motorcycle rally sat oct 6; clay shoot at Jake's clays on october 27. all net proceeds stay in basin to help those get mammograms who might not otherwise receive. Mayor presented proclamation proclaiming October as Breast Cancer Month.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation from the Texas State Fire Marshall to the Midland City Council for receiving ISO (Insurance Service Organization) Class (2) Two designation.
 - b. Presentation to Conoco-Phillips from the Midland Police Department.
 - c. Presentation of a Proclamation for Breast Cancer Awareness Month & Pink the Basin Breast Cancer Awareness Day.

PUBLIC COMMENT

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

CONSENT AGENDA

Council Member Sparks moved to approve Consent Agenda items 5 - 18 excluding 10; seconded by Council Member Trost.

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

5. Approved a motion approving the following minutes:
 - a. Regular meeting of September 11, 2012.

6. Approved a resolution awarding the Terminal Food & Beverage Concessions at Midland International Airport, City of Midland, and authorizing the execution of a Concessionaire Agreement with Creative Food Group MAF, LLC, Jersey City, New Jersey. (AIRPORTS)

RESOLUTION NO. 2012 - 320

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH CREATIVE FOOD GROUP MAF, LLC, OF JERSEY CITY, NEW JERSEY, FOR THE TERMINAL FOOD AND BEVERAGE CONCESSIONS AT THE MIDLAND INTERNATIONAL AIRPORT; THE COUNCIL PREVIOUSLY AUTHORIZED ADVERTISEMENT FOR REQUEST FOR PROPOSALS FOR TERMINAL FOOD AND BEVERAGE CONCESSIONS; THE AGREEMENT TERM IS FOR TWELVE YEARS, COMMENCING ON OCTOBER 1, 2012 AND MAY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL FIVE YEAR TERM

7. Approved a resolution awarding the Gift & News Concessions at Midland International Airport, City of Midland, and authorizing the execution of a Concessionaire Agreement with The Paradies Shop, Atlanta, Georgia. (AIRPORTS)

RESOLUTION NO. 2012 - 321

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE PARADIES SHOP, OF ATLANTA, GEORGIA, FOR THE GIFT AND NEWS CONCESSIONS AT THE MIDLAND INTERNATIONAL AIRPORT; THE COUNCIL PREVIOUSLY AUTHORIZED ADVERTISEMENT FOR THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE GIFT AND NEWS CONCESSIONS; THE AGREEMENT TERM IS FOR TEN YEARS, COMMENCING ON OCTOBER 1, 2012 AND MAY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL FIVE YEAR TERM

8. Approved a resolution authorizing the execution of the 2012 Airsho Agreement between the City of Midland, Texas and the Commemorative Air Force (CAF). (AIRPORTS)

RESOLUTION NO. 2012 - 322

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 12, 2012 AND CONCLUDE ON SUNDAY, OCTOBER 14, 2012

9. Approved a resolution authorizing the execution of a 2012 Routine Airport Maintenance Program (RAMP) Grant with Texas Department of Transportation , and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2012 - 323

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A ROUTINE AIRPORT MAINTENANCE PROGRAM GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION TO PROVIDE AN AUTOMATED WEATHER OBSERVING SYSTEM; AUTHORIZING THE MAYOR, CITY MANAGER AND CITY ATTORNEY TO

EXECUTE ALL GRANT DOCUMENTS

11. Approved a resolution authorizing a contract with the Midland County Fair, Inc. in the amount of \$10,000 to promote tourism and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2012 - 325

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE MIDLAND COUNTY FAIR, INC. TO PROMOTE TOURISM AND THE CONVENTION AND HOTEL INDUSTRY IN THE CITY OF MIDLAND.

12. Approved a resolution authorizing a contract with the Midland Softball Association in the amount of \$82,850 to promote tourism and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2012 - 326

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE MIDLAND SOFTBALL ASSOCIATION FOR THE PROMOTION AND SOLICITATION OF SOFTBALL ACTIVITIES.

13. Approved a resolution accepting preclearance from the United States Department of Justice regarding annexations effective in 2011 and 2012; preclearance effective August 24, 2012. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2012 - 327

RESOLUTION ACCEPTING PRECLEARANCE FROM THE UNITED STATES DEPARTMENT OF JUSTICE REGARDING ANNEXATIONS BY ORDINANCE NOS. 8899, 8925 AND 8927 EFFECTIVE IN 2011 AND ORDINANCE NOS. 8992, 8995 AND 8998 THROUGH 9003 EFFECTIVE IN 2012; PRECLEARANCE BEING EFFECTIVE AUGUST 24, 2012

14. Approved a resolution authorizing the allocation of funds from the Scharbauer Sports Complex Fund to Project Number 9012 in order to expand the current city maintenance building located at the Scharbauer Sports Complex. (COMMUNITY SERVICES)

RESOLUTION NO. 2012 - 328

RESOLUTION AUTHORIZING THE ALLOCATION OF FUNDS FROM THE SCHARBAUER SPORTS COMPLEX FUND TO PROJECT NUMBER 9012 IN ORDER TO EXPAND THE CURRENT CITY MAINTENANCE BUILDING LOCATED AT THE SCHARBAUER SPORTS COMPLEX

15. Approved a resolution allocating \$243,680 from the Fiscal Year 2011-2012 General Fund (001) NonDepartmental (150) Interfund Transfer (0199) General Construction Fund (6299) budget account to the Technology Acquisitions 2012 Project (9013). (CISD)

RESOLUTION NO. 2012 - 329

RESOLUTION ALLOCATING \$243,680.00 FROM THE FISCAL YEAR 2011-2012 GENERAL FUND TO THE TECHNOLOGY ACQUISITIONS 2012 PROJECT (9013)

16. 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. 2012 - 330

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

17. Approved a resolution to appropriate donated funds resulting from the proceeds of the 2012 Bad Boy Blast to the Midland Police Department. (POLICE)

RESOLUTION NO. 2012 - 331

RESOLUTION ACCEPTING A CASH DONATION OF \$43,250.00 FROM THE "BAD BOY BLAST" FUND-RAISING PROJECT SPONSORED BY CONOCO-PHILLIPS; THE DONATED FUNDS WILL BE USED TO PURCHASE LAW ENFORCEMENT EQUIPMENT, SUPPLIES, AND TECHNOLOGY; AND APPROPRIATING SAID FUNDS

18. Approved a motion appointing an associate substitute judge. (MUNICIPAL COURT)
10. Approved a resolution authorizing a contract with Midland Crime Stoppers, Inc. in the amount of \$29,000 for the operation of a Crime Stoppers Program. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2012 - 324

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH CRIME STOPPERS OF MIDLAND, INCORPORATED, FOR THE OPERATION OF A CRIME STOPPERS PROGRAM WHICH WILL ALLOW CITIZENS TO ASSIST IN THE DETECTION AND RESOLUTION OF CRIMES.

Courtney match fund raising efforts start October 1 they started their fund raising in May and would like to amend Sec 3 payment to start funding raising 5/1/2012.

Council Member Dufford moved to adopt Resolution No. 2012 - 324 with amendment to start fundraising May 1, 2012 through August 31, 2013.; seconded by Council Member Hailey.

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

SECOND READINGS

19. Consider an ordinance on second reading on a request by David Alldredge for a Specific Use Permit, With Term, for the sale and on-premise consumption of alcoholic beverages in a restaurant. (Generally located on the east side of North Fairgrounds Road at the east end of East Wadley Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9044

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1A, BLOCK 1, ALLDREDGE GARDENS ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON

THE EAST SIDE OF FAIRGROUNDS ROAD AT ITS INTERSECTION WITH WADLEY AVENUE), WHICH IS PRESENTLY ZONED LR-3, 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 RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Garcia read the caption of Ordinance No. 9065.

Council Member Trost moved to approve the second and final reading of Ordinance No. 9044 in accordance with the Charter of the City of Midland; seconded by Council Member James.

Ken Van Dyne one minor change on Specific Use for alcohol sales. after fire marshall inspected property after first initial approved 150 seats. Fire marshall approved for 120 seats.

Dufford amend seating from 150-120 / Trost 6-0 approve amendment.

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

20. Consider an ordinance on second reading on a request by Outback Steakhouse for an Amended Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 3, Block 38, Plantation Hills, Section 15, City and County of Midland, Texas. (Generally located on the north side of W. Loop 250 North, approximately 300 feet west of Garfield Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9058

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 3, BLOCK 28, PLANTATION HILLS, SECTION 15, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 300 FEET WEST OF GARFIELD STREET), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

Council Member James moved to approve the second and final reading of Ordinance No. 9058 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

21. Consider an ordinance on second reading on a request by Pioneer Apartments for an Apartment Site Plan, Lot 3, Block 1, Cross Pointe Addition, City and County of Midland, Texas. (Generally located approximately 550 feet north of Briarwood Avenue on the west side of Holiday Hill Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9059

AN ORDINANCE ADOPTING A SITE PLAN FOR AN 7.37-ACRE TRACT OF LAND OUT OF LOT 3, BLOCK 1, CROSS POINTE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 550 FEET NORTH OF BRIARWOOD AVENUE ON THE WEST SIDE OF HOLIDAY HILL ROAD); 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

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

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9059 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

22. Consider an ordinance on second reading on a request by Betenbough Homes for a zone change from FD, Future Development to PD, Planned District for a Housing Development on 108.712-acres out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located west of Tradewinds Boulevard at the west end of Legends Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9060

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 108.712-ACRE TRACT OUT OF SECTION 37, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED SOUTH OF STATE HIGHWAY 191 AND WEST OF THE SCHARBAUER SPORTS COMPLEX); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9060 in accordance with the Charter of the City of Midland; seconded by Council Member James.

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

change to Sparks voting in favor.

23. Consider an ordinance on second reading on a request by Cuthbert Plaza, LLC. ON APPEAL for a zone change from LR-1, Local Retail District to PD, Planned District for a Shopping, on Lot 6.774-acres out of Tracts F & G, Johnson and Moran Addition, City and County of Midland, Texas. (Generally located on the south side of Cuthbert Avenue, approximately 300 feet west of Andrews Highway.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9061

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 6.774-ACRE TRACT OF LAND OUT OF TRACTS F AND G, JOHNSON AND MORAN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-1, LOCAL RETAIL DISTRICT, TO BE USED A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED ON THE SOUTH SIDE OF CUTHBERT AVENUE, APPROXIMATELY 300 FEET WEST OF ANDREWS HIGHWAY); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9061 in accordance with the Charter of the City of Midland; seconded by Council Member James.

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

24. Consider an ordinance on second reading prohibiting parking on the west side of Boulder Drive from the centerline of Fargo Avenue continuing north 370 feet, from the centerline of Fargo Avenue continuing south 583 feet and on the north and south side of Fargo Avenue from the centerline of Boulder Drive continuing west 158 feet to the north south alley. (ENGINEERING SERVICES)

ORDINANCE NO. 9063

AN ORDINANCE PROHIBITING PARKING ON THE WEST SIDE OF BOULDER DRIVE FROM THE SOUTH CURB LINE OF LOOP 250 SERVICE ROAD CONTINUING SOUTH A DISTANCE OF 369 FEET TO THE NORTH CURB LINE OF FARGO AVENUE, AND FROM THE SOUTH CURB LINE OF FARGO AVENUE CONTINUING SOUTH A DISTANCE OF 561 FEET, ALSO ON THE NORTH AND SOUTH SIDE OF

FARGO AVENUE FROM THE WEST CURB LINE OF BOULDER DRIVE CONTINUING WEST A DISTANCE OF 139 FEET TO THE NORTH SOUTH ALLEY EXCEPT TO RESIDENTS WHOSE PROPERTY ABUTS SUCH STREET AND HAVE OBTAINED A VALID PARKING PERMIT; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO ERECT APPROPRIATE SIGNS; DECLARING ANY VEHICLE IN VIOLATION OF THE PROVISIONS OF THIS ORDINANCE A NUISANCE AND PROVIDING FOR THE REMOVAL OF SAME; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

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

Council Member James moved to approve the second and final reading of Ordinance No. 9063 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Dufford missed meeting last time. Why are we doing this. Gary Saunders Transportation Manager. apts on one side taking up residential parking received petition from 100% of owners.

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

25. Consider an ordinance on second reading amending existing Ordinance No. 8019 establishing a 45 mph speed limit on a portion of Briarwood Avenue west of Holiday Hill Road. (ENGINEERING SERVICES)

ORDINANCE NO. 9064

AN ORDINANCE ALTERING PRIMA FACIE SPEED LIMITS ALONG CERTAIN STREETS IN THE CITY; AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); REPEALING PORTIONS OF ORDINANCE 8384; AND ORDERING PUBLICATION

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

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9064 in accordance with the Charter of the City of Midland; seconded by Council Member James.

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

26. Consider an ordinance on second reading amending Title III, Chapter 1, Section 9 of the City Code. (SOLID WASTE)

ORDINANCE NO. NUMBER>

AN ORDINANCE AMENDING TITLE III, "DEPARTMENTS", CHAPTER 1, "WATER

DEPARTMENT" SECTION 9 "OPTIONAL LITTER ABATEMENT AND BEAUTIFICATION FEE," OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO MAKE SAID LITTER ABATEMENT AND BEAUTIFICATION FEE MANDATORY AND TO INCREASE THE FEE FROM FIFTY CENTS (\$0.50) TO ONE DOLLAR (\$1.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

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

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9065 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

27. Consider an ordinance on second reading amending Title VIII, Chapter 6, Section 9 of the City Code. (SOLID WASTE)

ORDINANCE NO. 9066

AN ORDINANCE OF THE CITY OF MIDLAND AMENDING TITLE VIII, "FOOD ESTABLISHMENTS, HEALTH AND GENERAL SANITATION," CHAPTER 6, "GARBAGE, TRASH AND RUBBISH," SECTION 9, "COLLECTION FROM COMMERCIAL CUSTOMERS," SUBSECTION (A) OF THE MIDLAND CITY CODE SO AS TO INCREASE THE RATES CHARGED TO COMMERCIAL CUSTOMERS FOR THE COLLECTION AND DISPOSAL OF GARBAGE, TRASH AND RUBBISH; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE OF OCTOBER 1, 2012; AND ORDERING PUBLICATION

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

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9066 in accordance with the Charter of the City of Midland; seconded by Council Member Hailey.

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

28. Consider an ordinance on second reading amending Title VIII, Chapter 6, Section 12 of the City Code. (SOLID WASTE)

ORDINANCE NO. 9067

AN ORDINANCE AMENDING TITLE VIII, "FOOD ESTABLISHMENTS, HEALTH AND GENERAL SANITATION," CHAPTER 6, "GARBAGE, TRASH AND RUBBISH," SECTION 12 "REMOVAL OF GARBAGE, TRASH OR WASTE OTHER THAN BY THE CITY," OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO CLARIFY RULES RELATED TO GARBAGE HAULER'S PERMITS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

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

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9067 in accordance with the Charter of the City of Midland; seconded by Council Member Hailey.

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

Trost what is difference between trash haulers permit and commercial haulers permit. Morris Williams trash hauler removed - 3 tiers no clear definition so it is changed. trash hauler permit is no longer it is now garbage hauler.

29. Consider an ordinance on second reading amending Title VIII, Chapter 6, Section 23 of the City Code. (SOLID WASTE)

ORDINANCE NO. 9068

AN ORDINANCE AMENDING TITLE VIII, "FOOD ESTABLISHMENTS, HEALTH AND GENERAL SANITATION," CHAPTER 6, "GARBAGE, TRASH AND RUBBISH," SECTION 23 "PLACEMENT OF REFUSE CONTAINERS ON APARTMENT AND OTHER COMMERCIAL ESTABLISHMENT PREMISES," OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO CHANGE THE VERBIAGE CONTAINING DIRECTOR OF UTILITIES TO DIRECTOR OF SOLID WASTE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

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

Council Member Trost moved to approve the second and final reading of Ordinance No. 9068 in accordance with the Charter of the City of Midland; seconded by Council Member Hailey.

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

30. Consider an ordinance on second reading amending Title VIII, Chapter 6, Section 24 of the City Code. (SOLID WASTE)

ORDINANCE NO. 9069

AN ORDINANCE AMENDING TITLE VIII, "FOOD ESTABLISHMENTS, HEALTH AND GENERAL SANITATION," CHAPTER 6, "GARBAGE, TRASH AND RUBBISH," SECTION 24 "CHARGES FOR DUMPING OR UNLOADING AT SANITARY LANDFILL OPERATED BY THE CITY OF MIDLAND", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO INCREASE THE RATES CHARGED FOR DUMPING OR UNLOADING AT THE SANITARY LANDFILL FACILITY OPERATED BY THE CITY OF MIDLAND AND TO INCORPORATE A TWENTY-FIVE DOLLAR (\$25.00) LANDFILL ACCESS FEE; CONTAINING AN ESCALATION CLAUSE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

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

Council Member Hailey moved to approve the second and final reading of Ordinance No. 9069 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Trost problem with \$25 fee to be charged to anybody. encourage to take to dump so won't throw on side of road and now will have to pay. that discourages not encourages. Courtney trying to encourage to use Citizens collection center which is in town for free. Trost only one collection center what can do to remedy that? Not a convenient location for people from south east and west sides of town. their other option is landfill. Need to have another opportunity for a place to go. Jim Nichols. The \$25 is in lieu of access permit that we talked about in previous motion. Permit has always been required but difficult to regulate. This gives anyone opportunity to use landfill and not have to purchase \$500 permit for unlimited trips to landfill. Trying to discourage citizen access at landfill it is not intended for that type of operation and full of large commercial vehicles.

Council Member Trost moved to approve the second and final reading of Ordinance No. 9069 in accordance with the Charter of the City of Midland; seconded by Council Member Hailey.

James how many small trucks enter landfill annually? Williams less than 5% of private citizens vs trucks. More convenient to go to citizens collection station. James don't recall showing ID at CCC; Morris take address and name when you enter the CCC.

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

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

31. Consider an ordinance on second reading amending Title III, "Departments", Chapter 1, "Water Department", Section 2, "Rates", Subsection (A), "Customers Inside of City Limits", of the City Code of Midland, Texas, so as to change the rates charged for water and sewer services; containing a cumulative clause; containing a savings and severability clause; and ordering publication; and the City Manager shall notify all customers outside the City Limits as required by state law. (UTILITIES)

ORDINANCE NO. 9070

AN ORDINANCE AMENDING TITLE III, "DEPARTMENTS", CHAPTER 1, "WATER DEPARTMENT", SECTION 2, "RATES," SUBSECTION (A), "CUSTOMERS INSIDE OF CITY LIMITS," SUB-SUBSECTION 1., "WATER RATES," OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO INCREASE THE RATES CHARGED TO CUSTOMERS INSIDE THE CITY LIMITS FOR WATER; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION; AND THE CITY MANAGER SHALL NOTIFY ALL CUSTOMERS OUTSIDE THE CITY LIMITS AS REQUIRED BY STATE LAW

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

Council Member Hailey moved to approve the second and final reading of Ordinance

No. 9070 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

32. Consider an ordinance on second reading amending Title III. "Departments", Chapter 1, "Water Department", to include Section 27 "Septage Waste Hauler Discharges and Fees", of the City Code of Midland, Texas, so as to incorporate a twenty-five (\$25.00) Septage Haulers Discharge Fee; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (UTILITIES)

ORDINANCE NO. 9071

AN ORDINANCE AMENDING TITLE III, "DEPARTMENTS", CHAPTER 1, "WATER DEPARTMENT" TO INCLUDE SECTION 27 "SEPTAGE WASTE HAULER DISCHARGES AND FEES", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO REGULATE THE DISCHARGE OF SEPTAGE MATERIALS AT THE CITY'S WATER POLLUTION CONTROL PLANT AND INCORPORATE A TWENTY-FIVE DOLLAR (\$25.00) SEPTAGE HAULER'S DISCHARGE FEE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

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

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9071 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Stretcher, says originate in Midland County .

Council Member Trost moved to approve the second and final reading of Ordinance No. 9071 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

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

PUBLIC HEARINGS

33. At approximately 10:30 a.m. hold a public hearing and consider an ordinance on a request by Insignia Hospitality Group for a zone change from LR-2, Local Retail District to PD, Planned District for a Shopping Center on a 1.99-acre tract of land out of Section 3, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the north of Crump Street, approximately 300 feet west of Rankin Highway.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9072

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING

CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.99-ACRE TRACT OF LAND OUT OF SECTION 3, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED ON THE NORTH SIDE OF CRUMP STREET, APPROXIMATELY 300 FEET WEST OF RANKIN HIGHWAY); 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

Mayor Perry opened the public hearing at 10:54 a.m.

Eric West, PSC 1700 W Wall, another hotel site situated on Crump Street. The land will accomodate two sites which will come back for future site plan review when ready. First Holiday Inn Express suites. 4 story, turned hotel facing future hotel and with pool wrapped around two properties together it will work better with circulation. avail to ans. questions. Trost looking at Exhibit D see wha tlooks like 3 story building. Eric stock rendering given in error but elevations show it is 4 stories. Not as much trees or greenery to start. Perry, question about other hotel. Signage. Eric currently monument sign for hotel and on the hotel itself. May have request for master sign plan to look at both lots together. That will come later.

There being no one else wishing to speak, the public hearing was closed at 10:57 a.m.

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

Council Member Hailey moved approval of the first of two readings of Ordinance No. 9072 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

MISCELLANEOUS

34. 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 22C#1) located 1,847 feet from the east line and 467 feet from the south line located in Section 22, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Trobaugh Boulevard, approximately 467 feet north of Briarwood Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2012 - 332

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 1,847 FEET FROM THE EAST LINE AND 467 FEET FROM THE SOUTH LINE, SECTION 22, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON

THE EAST SIDE OF TROBAUGH BOULEVARD, APPROXIMATELY 467 FEET 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

Ron Jenkins 30 day public comment past no let of obj receiv. O&G rec approval. Callum req landsqpe var of no more than 2 years. closest res 820 feet to north.

Council Member Hailey moved to adopt Resolution No. 2012 - 332; seconded by Council Member Sparks.

Trost did I hear to carry over roa drepair agreement. ron correct.

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

35. Consider making appointments to various Boards and Commissions.

Council Member Dufford moved to approve Consider making appointments to various Boards and Commissions. ; seconded by Council Member Sparks.

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

EXECUTIVE SESSION

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

Mayor Perry noted no items would be discussed in Exeuctive session. Adjourned at 11:04 a.m.

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