

**MIDLAND CITY COUNCIL
MINUTES
October 09, 2012**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on October 09, 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., October 09, 2012.

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

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

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:05 a.m.

1. Invocation - Reverend Tony Connor, Cowboy Church of the American West
2. Pledge of Allegiance

PRESENTATIONS

Special presentation bills looks strange and found overcharged \$53,000 but dug it out and found it. Director of Utilities.

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

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 Morales moved to approve Consent Agenda items 5 - 12 excluding 8; seconded by Council Member James.

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

5. Approved a motion approving the following minutes:
 - a. Regular meeting of September 25, 2012.
6. Approved a resolution approving a contract with the single proposer Action Wrecker, Inc. of Midland, Texas for wrecker and impound service for the City of Midland. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 334

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH ACTION WRECKER, INCORPORATED, FOR WRECKER AND IMPOUND SERVICES FOR THE CITY OF MIDLAND

7. Approved a resolution approving plans and specifications and authorizing advertisement for bids to sandblast/power wash, prime and paint the steel structures at Grande Communications Stadium and Citibank Ballpark, including the stairs in the stairwells, and both structures that support the video boards at the Scharbauer Sports Complex. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 335

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING

ADVERTISEMENT FOR BIDS TO SANDBLAST/POWERWASH, PRIME AND PAINT THE STEEL STRUCTURES AT GRANDE COMMUNICATIONS STADIUM AND CITIBANK BALLPARK

9. Approved a resolution accepting and executing the Interlocal Cooperation Contract for the employment of a Downtown Development Coordinator ("Coordinator"). (DOWNTOWN DEVELOPMENT)

RESOLUTION NO. 2012 - 337

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION CONTRACT BETWEEN THE CITY OF MIDLAND, THE MIDLAND DEVELOPMENT COOPERATION ("MDC"), THE DOWNTOWN MIDLAND MANAGEMENT DISTRICT ("DMMD") AND THE MIDLAND TAX INCREMENT INVESTMENT ZONE NUMBER ONE ("TIRZ") REGARDING THE CITY OF MIDLAND'S EMPLOYMENT OF A DOWNTOWN DEVELOPMENT COORDINATOR; AS AUTHORIZED BY CHAPTER 791 OF THE TEXAS LOCAL GOVERNMENT CODE

10. Approved a resolution accepting the Texas J-RAC (trauma funding) for EMS Programs. (FIRE)

RESOLUTION NO. 2012 - 338

RESOLUTION ACCEPTING A GRANT AWARD FROM THE TEXAS "J" REGIONAL ADVISORY COUNCIL IN THE AMOUNT OF \$9,563.00, FOR FUNDS TO BE USED BY THE MIDLAND FIRE DEPARTMENT FOR TRAINING EQUIPMENT AND SUPPLIES

11. Approved a resolution accepting a Fire Safety Trailer for Fire Prevention from the Midland Citizen's Fire Academy Alumni Association. (FIRE)

RESOLUTION NO. 2012 - 339

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION FROM THE MIDLAND CITIZENS FIRE ACADEMY ALUMNI ASSOCIATION FOR A FIRE SAFETY TRAILER IN ORDER TO TEACH FIRE PREVENTION PROGRAMS

12. Approved a resolution authorizing the execution of an interlocal agreement with the City of Big Spring for the purchase and sale of City owned property. (UTILITIES)

RESOLUTION NO. 2012 - 340

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIDLAND AND THE CITY OF BIG SPRING, WITH A CORRESPONDING BILL OF SALE, REGARDING THE SALE TO BIG SPRING OF FOUR (4) USED FLYGT PUMPS

8. Approved a resolution authorizing the appropriation of funds for the HOME Investment Partnerships Program Reservation System Participant Program (\$41,600.00 for homebuyer assistance). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2012 - 336

RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FOR THE HOME INVESTMENT PARTNERSHIP PROGRAM RESERVATION SYSTEM PARTICIPANT PROGRAM FOR HOME BUYER ASSISTANCE

Explain program, how it works, James. Sylvester Cantu, Home can make money available for homebuyer, reconstruction, tenant base rental assistance on case by case basis. Now would like auth to use money for homebuyer assistance, up to \$20,000 for low income households mortgage approved to purchase a home. Must be qualified to purchase home and have good credit and be able to afford in their income bracket. James in region what is affordable what is low income. Sylvester low income family of four rounded is just over \$4,000 month. Mortgage payment can be no more than 30% of combined family income.

Council Member James moved to adopt Resolution No. 2012 - 336; seconded by Council Member Morales.

available city wide goes toward homebuyers.

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

SECOND READINGS

13. Consider an ordinance on second reading on a request by David Miller for a zone change from PD, Planned District for a Housing Development, to an Amended Planned District on 14.05-acres out of Section 19, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located at the south side of West Wadley Avenue, approximately 450 feet east of Sunburst Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9062

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 14.05-ACRE TRACT OF LAND OUT OF SECTION 19, 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 PD, PLANNED DISTRICT FOR HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED AT THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 450 FEET EAST OF SUNBURST DRIVE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Walker at public hear request made for line of site, it is presented in packet. rec adopt ord on second reading.

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

Council Member Hailey moved to approve the second and final reading of Ordinance No. 9062 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Trost, clarification that garage blocks site line to private property. Cameron; correct looking toward Whittle Way.

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

14. Consider an ordinance on second reading 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

Deputy City Secretary Reyes read the caption of Ordinance No. 9072.

Council Member Hailey moved to approve the second and final reading of Ordinance No. 9072 in accordance with the Charter of the City of Midland; seconded by Council Member James.

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

Deputy City Secretary Reyes read the caption of Ordinance No. 9072.

PUBLIC HEARINGS

15. At approximately 10:30 A.M. hold a public hearing and consider a request by Bluestem Energy Holdings, LLC (Evans F 1) for a Permit to Drill an Oil & Gas Well within the City Limits, located 2314 feet from north line and 2340 feet from west line, Section 8, Block X, H.P. Hilliard Survey, Midland County, Texas. (Generally located on the east side of the North Midland Drive, approximately ½ mile north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

reconvened 10:30 a.m.

RJ no letter sof ob, rev by O&G adv comm, bluestem req landcape var of no more than 2 years. o7g concn. well located within center of property, no spacing problems.

Mayor Perry opened the public hearing at 10:32 a.m. There being no one present

wishing to speak, the public hearing was immediately closed. next meeting nov 13.

16. At approximately 10:33 A.M. hold a public hearing and consider on a request by Rust Oil Corporation (Smith-Hughes "9" No. 1) for a Permit to Drill an Oil & Gas Well within the City Limits, located 2173 feet from south line and 1651 feet from east line of Section 9, Section X, H.P. Hilliard Survey, Midland County, Texas. (Generally located on the west side of the extension of North Garfield Street, approximately ½ mile north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

Mayor circle goes onto piece of property he owns and left dias.

rj no letters of obj. went to O&G had rec included arial map desc listen... items were completed. Req landscaping var O&G rec landscape isntalled within 2 years. no sound walls and not suggested, no houses within 500 feet, Midland Bible churhc constructed 760 feet eat listen. James when first came didn't do couple landscape variances and had two year window what is the method for saying its two years you've got to do landscaping. Ron none at 2 year window but would fall on Ron and he keeps listof those things in tickler.

Mayor Pro Tem Morales opened the public hearing at 10:35 a.m.

Chris 2701 Cerenpelx??? live on corner and opposed to. brand new developing area, just north on Whitman developments that haven't been done. Right behind Midland Bible Church are starting to go. Oppose to being so close in town and does not want in his area.

There being no one else present wishing to speak, the public hearing was closed at 10:37 a.m.

17. At approximately 10:36 A.M. hold a public hearing and consider a request for the annexation of a 286.79-acre tract of land out of Sections 11 and 12, Block 40, T-2-S, T&P RR Co., Survey, Midland County, Texas. (Generally located on the northeast corner of the intersection of West Interstate 20 and South County Road 1250.) (DEVELOPMENT SERVICES)

Planning division Manager Walker provided an overview of the item noting proposed annexation there are 4 this morning. Opportunity for public input required to be two times. Next meeting at October 15 at 8:15 a.m. Voluntary annexation request by Schulumberger. avail for questions. follow ph process iwll bring forward proposed plan for annexation and zoning proposal.

Mayor Perry opened the public hearing at 10:39 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

18. At approximately 10:39 A.M. hold a public hearing and consider a request for the annexation of a 75.90-acre tract of land out of Sections 37 and 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the southwest corner of the intersection of Tradewinds Boulevard and Deauville Boulevard.) (DEVELOPMENT SERVICES)

Planning Division Manager Walker provided an overview of the item noting property

owner is present 76 acres near Scharber Sports Complex. Aware of public announcement for construction of Chevron ???? Second hearing will be next week.

Mayor Perry opened the public hearing at 10:40 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

19. At approximately 10:42 A.M. hold a public hearing and consider a request for the annexation of a 30.98-acre tract of land out of Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the east side of State Highway 158, approximately ½ mile northwest of State Highway 191.) (DEVELOPMENT SERVICES)

Planning Division Manager Walker provided an overview of the item noting same property owner. extension of grasslands estate west plat provided to offices believe resident dev in northwest. Mayor question about ingress/egress row from northeast. cameron contains sewer and working with staff to vacate a portion of row. It is not clear will see it when the plat comes in.

Mayor Perry opened the public hearing at 10:43 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

20. At approximately 10:45 A.M. hold a public hearing and consider a request for the annexation of a 193.29-acre tract of land out of Sections 11 and 12, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the south side of East Interstate Highway 20, south of South Loop 250 West.) (DEVELOPMENT SERVICES)

Planning division Manager Walker provided an overview of the item noting almost 195 acres where 250 crosses I-20. Received proposal for platting which is und staff review. Proposed mixed land use development. Voluntary.

Mayor Perry opened the public hearing at 10:45 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

21. At approximately 10:51 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 West Loop 250 North and North Midkiff Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2012 - 341

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

Planning Division Manager Walker provided an overview of the item noting tlup on eastern portion of Midland Park Mall near Midkiff road for structure for 20 days from nov 2 through 21 operating 10 a.m. to 9 p.m. daily. Item include rugs and artwork. Not first

tlup for this type of use. Lst one approved by same operator. no IOJ. no site plan request to have travel trailer palced near tent itself for security prupose.

Council Member Hailey moved to adopt Resolution No. 2012 - 341; seconded by Council Member Trost.

Security quarters but occupied at all times during the event. Mayor is that consistent with past? Cameron consistent with christmas tree sales and ghenghis grill construction similar trailer locate don proeprty. Sparks last year they included travel trailer like this been on temporary. Morales cnetral focus watch for trash. Trost with security you need someone awake 24 hours a day watching the property. Cameron two deposits for tlup one is for midalnd sreets and other is for clean up of site.

Mayor Perry opened the public hearing at 11:01 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

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

MISCELLANEOUS

22. Approved a resolution approving an Economic Development Agreement between the Midland Development Corporation and Agri-Empresa LLC. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2012 - 342

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND AGRI-EMPRESA, LLC FOR THE CONSTRUCTION OF AN INTERMODAL RAIL FACILITY ON AN 81.04-ACRE TRACT OF LAND LOCATED IN SECTION 11, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE; AND AUTHORIZING PAYMENT THEREFOR

sSTEVE gORY #1 aIRFIELD Jeff concern not being part of city limits and receiving MDC funding and wondering why not part of agreement. Gary Douglas 1207 ??? Lane, understand importance of annexation from City perspective and useful tool for providing tax dollars for city services. strongly feel like property doesn't fit no infrastructure, #2 wont use city services. As aside all of Steve's property part of 7 year standstill as far an annexation which includes this property. Done as part of deal struck between city and steve regarding ROW. Ina pppropriate to radically affect that agreement after the fact. Two railroad crossings from MDC perspective important creates wonderful opportunity to bring business that is currently going to other communities. Four other cities competing for business tha thoping to bring here. STEve been working with UP for 2 years and railroad is not wanting to do these deal sany more. Steve when Schlumberger deal went out they wanted to be annexed so they gave City/Schlumberger to run waterlines to get and gave easement to connect to City Sewer. part of the agreement was that they wouldn't be annexed for 7 years. only a couple of months old. courtney would have to see if it encompasses the property with the railline. Gary don't see MDC linked with MDC dollars but does see it linked with economic development. Trost with all due respect the JCity has to fund certain functions out of these monies. The property taxes are a valid economic development issue. Tax

abatelements can still happen. Total Project JCost: the UP railroad does not want to do anything on the mainline any more. lights and armas at crossing is over \$500,000 whole project over \$9m. Perry how do others have access to it; available to all businesses? Yes there is a fee that comes in. They can bring cars from Odessa without having to get on main line. James appreciate comments because have to balance investment that MDC makes with return on investment that the citizens of Midland get. Struggling is this isn't in City but in County and makes conversation different because it is City and have to decide if spending them in county in appropriate use. Sparks if project get completed, how many people do see it will employ? Directly 8-10; indirectly many more for truck drivers to carry on product. Maoresl will be odne in phases? 1st 8500 track could add another 1600

Courtney that property is part of the agreement is to STG Development. Economic Development agreement is Agri Empresa which is same business and it includes property.will hold off and will

Council Member Hailey moved to adopt Resolution No. 2012 - 342; seconded by Council Member Morales.

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

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

James/ Morales Permian Basin Airport Board - Elvin Brownlee (Andrews) Luis Elguezabel (San Angelo); Mr. Hulder to TIRZ on behalf of hospital, Ken Burgess for Dan Rush and John Kennedy reappointment to TIRZ Board. 6-0

EXECUTIVE SESSION

adjourned to executive session at 11:47 a.m.

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

a. Section 551.072 Deliberation Regarding Real Property.

- a.1. Deliberate the purchase, exchange and value of real property described as Lots 1 through 6, Block 38, Original Town Addition, an addition to the City of Midland, Texas.
- a.2. Deliberate the sale, exchange and value of real property consisting of all of Block 50, Original Town Addition, an addition to the City of Midland, Midland County, Texas.
- a.3. Deliberate the purchase, exchange and value of real property in Block 39, Original Town Addition, an addition to the City of Midland, Midland County, Texas.
- a.4. Deliberate the purchase, exchange and value of real property being all of

Block 55, Original Town Addition, an addition to the City of Midland, Midland County, Texas.

- a.5. Deliberate the sale, exchange and value of real property described as Lots 1, 2, 3, 4, 5, and 6, Block 41, Original Town Addition, an addition to the City of Midland, Midland County, Texas.

- b. Section 551.087 Deliberation Regarding Economic Development Negotiations

recessed to Executive Session for 24 B at 11:02.

reconvene 11:26 P.M.

- b.1. Discuss business prospects that the City of Midland and/or the Midland Development Corporation seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

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

PASSED AND APPROVED the ____ day of _____, ____.

W. Wesley Perry, Mayor

ATTEST:

Amy M. Turner, City Secretary