MIDLAND CITY COUNCIL
MINUTES
December 17, 2013

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ___ a.m. on December 17, 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., December 17, 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

`10:12

1. Invocation - Pastor Roy L. Smith, True-Lite Christian Fellowship

2. Pledge of Allegiance

PRESENTATIONS

Dufford history of mgmt awards.

Monetary Savings 1st place $500 Marv Esterly – found mineral rights in land assist in making world class facility and control cost
2nd place $300 landfill all employees recognized poly generated $10,453 revenue for landfill
3rd place $200 Debbie Gotovac reviewed use of City vehicles determine efficiency found for communting rather than City business. Vehicles reclassified saving over $64,000.
External Service Delivery
1st Place Raymond Miller Justin Bunch $500 Police Department – pilot officers in commercial enforcement to ensure oilfield and construction vehicles operate within the law. Many operate illegally and can damage roadways. March to Oct 450 citations fines raised $74,000.
2nd $250 Muni Court – identified need to improve customer service. Evaluation of current system that gathering email of defendants to send out reminder of fees due prior to arrest. Outside vendor $25,000 found solution no cost to City.
Internal org efficiency
1st Info Systems $500 – replace all computers with City takes 6 hours per computer. Not efficient way to proceed outside contractor hired more fficiency.
2nd Purchasing Glenda Hart $300 – identified problem with insurance certificates copied and sent to multiple depts.. Multiple depts. Need access. Save $ and time scan in and electronic. Set up insurance cabinet in SIRe to allow all depts. Access.
3rd place HR chuck Moad Macayla Henry $150 each – recognized need to compile notebook of available training facilities. October mgmt training required larger venue. Macayla offered partner in training allow to use no charge and provide refreshments and allow County to attend..
3rd $150 PD grimaldo Stefanie Newton – recruiters for PD boom experiencing difficult to attract and retain personnel. PD 20 officers leave 15 positions staffed again. Able to accomplish flex and avail to candidates streamlined to 2 days insures well informed quality candidates
Innovation
1st Engineering David Beard – developed taps project reduced tap time from 6 months to 1 month. Expanded to include larger scale projects. Cut cost for City.
2nd $300 Info Systems Johnny Doss Ryan Brown – monitoring system sober winds to notify IS staff when devise running low on storage prevented problems without significant impact run more efficiently higher customer service
3rd $500 (raised because entire staff) P&R renovate 6 playgrounds throughout city. Needed to increase public awareness. Progressive parks party. Citizens viewed parks and employees were able to see reaction of citizens and received personal thank you. Renov 2014 with another 6 parks.

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

   a. Presentation to the 2013 Management Award Recipients.

   b. Receive Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association.

PUBLIC COMMENT

Mayor introduce Mark Jacob Buckingham

their mom daughter Julie and wife Ronnie

Mayor thinking being last meeting. Thanked Ronnie for all of her help.

tahnked staff

no other citizens wishing to speak

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 Dufford moved to approve Consent Agenda items 5 - 23 excluding 16, 17, 18, 21; 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.

5. Approved a motion approving the following minutes:

   a. Regular Meeting of November 26, 2013.

6. Approved a resolution approving an agreement with Agri-Waste Technology, Inc. for an Agronomic Compliance Consultant for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2013 - 437

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH AGRI-WASTE TECHNOLOGY, INCORPORATED, OF APEX, NORTH CAROLINA FOR AN AGRONOMIC COMPLIANCE CONSULTATION FOR THE UTILITIES DEPARTMENT; AND APPROPRIATING $185,000.00 FOR SAID PROFESSIONAL SERVICES

7. Approved a resolution approving the selection of five (5) firms for On-Call Professional Engineering Services for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2013 - 438

RESOLUTION APPROVING THE SELECTION OF AMD ENGINEERING, LLC, DUNAWAY ASSOCIATES, LP, MAVERICK ENGINEERING, PARKHILL, SMITH & COOPER, INC., AND SAVANT GROUP TO PROVIDE PROFESSIONAL SERVICES FOR ENGINEERING DESIGNS AND STUDIES ON AN AS-NEEDED BASIS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF PROFESSIONAL SERVICES AGREEMENTS WITH SAID FIRMS; AND PROVIDING THAT ANY AGREEMENT EXCEEDING $50,000 SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL

8. Approved a resolution approving the issuance of a request for qualifications for architectural and engineering services for golf course improvements at Hogan Park Golf Course for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2013 - 439

RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR GOLF COURSE IMPROVEMENTS AT HOGAN PARK GOLF COURSE FOR THE COMMUNITY SERVICES DEPARTMENT

9. Approved a resolution approving an agreement with Kimley-Horn Associates, Inc. for Phase 2 design services for Doug Russell Pool improvements for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2013 - 440

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INCORPORATED, OF IRVING, TEXAS FOR DESIGN DEVELOPMENT, CONSTRUCTION DOCUMENTS, BIDDING ASSISTANCE, AND CONSTRUCTION OVERSIGHT FOR THE DOUG RUSSELL POOL RENOVATION PROJECT PHASE II; AND APPROPRIATING $325,000.00 FOR SAID PROFESSIONAL SERVICES

10. Approved a resolution authorizing the City Manager to execute a Professional Services Agreement with SilverWing Enterprises LLC to conduct an Airport Sensitivity Study of land compatibility surrounding Midland International Airport and appropriate funds. (AIRPORTS)

RESOLUTION NO. 2013 - 441

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH SILVERWING ENTERPRISES LLC TO CONDUCT AN AIRPORT SENSITIVITY STUDY OF LAND COMPATABILITY SURROUNDING THE MIDLAND INTERNATIONAL AIRPORT AND APPROPRIATING $200,500.00 TO THE COMMERCIAL LAUNCH SITE APPLICATION PROJECT; THE CONTRACT WITH SILVERWING ENTERPRISES WILL BE APPROVED BY THE CITY MANAGER AND WILL NOT COME BACK BEFORE THE COUNCIL

11. Approved a resolution authorizing the City Manager to execute a Memorandum of Understanding regarding blood testing resulting from occupational exposure with the Midland County Hospital District, The City Manager is authorized to make modifications to the Memorandum of Understanding as long as the purpose is not amended. (CITY

ATTORNEY'S OFFICE)

RESOLUTION NO. 2013 - 442

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING REGARDING BLOOD TESTING RESULTING FROM OCCUPATIONAL EXPOSURE WITH THE MIDLAND COUNTY HOSPITAL DISTRICT; THE CITY MANAGER IS AUTHORIZED TO MAKE MODIFICATIONS TO THE MEMORANDUM OF UNDERSTANDING AS LONG AS THE PURPOSE IS NOT AMENDED

12. Receive and file the Consolidated Annual Performance and Evaluation Report for 2012/2013. (DEVELOPMENT SERVICES)

13. Approved a resolution approving the issuance of a permit to HighSky Partners, LLC, (Operator) for a Permit to Drill an Oil and Gas Well within the City limits, (Mask No. 1001) located 773 feet from south line and 825 feet from west line, Section 10, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the north side of the extension of Mockingbird Lane, approximately 825 feet east of the extension of North Garfield Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 455

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 773 FEET FROM THE SOUTH LINE AND 825 FEET FROM THE WEST LINE, SECTION 10, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE EXTENSION OF MOCKINGBIRD LANE, APPROXIMATELY 825 FEET EAST OF THE EXTENSION OF NORTH GARFIELD STREET); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

14. Approved a resolution approving the issuance of a permit to HighSky Partners, LLC, (Operator) for a Permit to Drill an Oil and Gas Well within the City Limits, (Mask No. 1002D) located 1176 feet from south line and 825 feet from west line, Section 10, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the north side of the extension of Mockingbird Lane, approximately 825 feet east of the extension of North Garfield Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 443

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 1,176 FEET FROM THE SOUTH LINE AND 825 FEET FROM THE WEST LINE, SECTION 10, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE EXTENSION OF MOCKINGBIRD LANE, APPROXIMATELY 825 FEET EAST OF THE EXTENSION OF NORTH GARFIELD STREET); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

15. Approved a resolution approving the issuance of a permit to HighSky Partners, LLC, (Operator) for a Permit to Drill an Oil and Gas Well within the City Limits, (Mask No. 1003) located 513 feet from south line and 1773 feet from west line, Section 10, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the north side

of the extension of Mockingbird Lane, approximately 1773 feet east of the extension of North Garfield Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 444

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 513 FEET FROM THE SOUTH LINE AND 1,773 FEET FROM THE WEST LINE, SECTION 10, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE EXTENSION OF MOCKINGBIRD LANE, APPROXIMATELY 1,773 FEET EAST OF THE EXTENSION OF NORTH GARFIELD STREET); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

19. Approved a resolution authorizing the City of Midland to negotiate a Professional Services Agreement with Transmap Corporation to provide engineering, planning, and administrative services in connection with pavement indexing including implementation of a five (5) year pavement preservation strategy for the Pavement Condition Survey Project. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 445

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TRANSMAP CORPORATION FOR ENGINEERING, PLANNING, AND ADMINISTRATIVE SERVICES IN CONNECTION WITH THE PAVEMENT CONDITION SURVEY PROJECT; AND AUTHORIZING PAYMENT THEREFOR IN THE AMOUNT OF $182,000.00

20. Approved a resolution to authorize the Midland Fire Department to apply for the 2013 AFG Grant (FIRE)

RESOLUTION NO. 2013 - 449

RESOLUTION AUTHORIZING THE MIDLAND FIRE DEPARTMENT TO FILE AN APPLICATION WITH THE UNITED STATES GOVERNMENT FOR THE 2013 ASSISTANCE TO FIREFIGHTERS GRANT; SAID FUNDS WILL BE USED TO PURCHASE A COMMAND SIMULATION PROGRAM; SAID GRANT IS A MATCHING FUNDS GRANT IN WHICH THE ASSISTANCE TO FIREFIGHTERS GRANT WOULD FUND 90% ($315,000.00) OF THE TOTAL AMOUNT ($350,000.00) AND THE CITY OF MIDLAND WOULD FUND 10% ($35,000.00) OF THE TOTAL AMOUNT

22. Approved a resolution approving a contract extension with CK Hay and Cattle Farms, L.L.C. (UTILITIES)

RESOLUTION NO. 2013 - 450

RESOLUTION AUTHORIZING THE EXECUTION OF A 1-YEAR EFFLUENT FARM LEASE RENEWAL AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND CK HAY & CATTLE FARMS, L.L.C., FOR EFFLUENT FARM OPERATIONS AT THE CITY'S PLANT FARM

23. Approved a resolution approving a contract extension with Schumann Cattle Company. (UTILITIES)

RESOLUTION NO. 2013 - 452

RESOLUTION AUTHORIZING THE EXECUTION OF A 1-YEAR EFFLUENT FARM LEASE RENEWAL AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND SCHUMANN CATTLE COMPANY, FOR OPERATION OF THE CONNER EFFLUENT FARM

16. Approved a resolution approving the issuance of a permit to Endeavor Energy Resources, LP. (Operator) for a Permit to Drill an Oil & Gas Well within the City Limits, (Chaps A #6) located 655 feet from north line and 467 feet from east line, Section 9, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the north side of the Passage Way, approximately 467 feet west of the extension of North Garfield Street.). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 453

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO ENDEAVOR ENERGY RESOURCES, LP ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 655 FEET FROM THE NORTH LINE AND 467 FEET FROM THE EAST LINE, SECTION 9, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF PASSAGE WAY, APPROXIMATELY 467 FEET WEST OF THE EXTENSION OF NORTH GARFIELD STREET)

Sparks pulled for Mayor to abstain. Mayor left dais.

Council Member Love moved to adopt Resolution No. 2013 - 446; seconded by Council Member Dufford.

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

17. Approved a resolution authorizing the execution of a Road Repair Agreement with Endeavor Energy Resources, LP, regarding its applications to drill oil and gas wells (Chaps wells) within the City Limits, in Section 9, Block "X", H.P. Hilliard Survey, Midland County, Texas. The Road Repair Agreement will cover Midkiff Road and Passage Way and be in the amount of $75,000.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 446

RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH ENDEAVOR ENERGY RESOURCES, LP REGARDING ITS APPLICATIONS TO DRILL OIL AND GAS WELLS (CHAPS WELLS) WITHIN THE CITY LIMITS IN SECTION 9, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

jeff pulled mayor abstain.

Council Member Morales moved to adopt Resolution No. 2013 - 447; seconded by Council Member Love.

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

18. Approved a resolution authorizing a Right-of-Way License with the City of Midland,

Texas and Endeavor Energy Resources, L.P.; said Right-of-Way License is for the purpose of installing one (1) three inch (3") oil and gas, production water poly pipeline, and one four inch (4") fresh water poly pipeline all contained within an eight and one-half inch (8 ½") standard steel casing in a portion of Green Tree Boulevard.; the casing is located within the City of Midland right-of-way, Section 9, Block "X", H.P. Hilliard Survey, Midland, Midland County, Texas; the license term is for five (5) years, commencing with the date of this license and may be renewed at the end of the term for one additional five (5) year term upon 90 days written request prior to expiration. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 447

RESOLUTION AUTHORIZING A RIGHT-OF-WAY LICENSE WITH THE CITY OF MIDLAND, TEXAS AND ENDEAVOR ENERGY RESOURCES, L.P.; SAID RIGHT-OF-WAY LICENSE IS FOR THE PURPOSE OF INSTALLING ONE (1) THREE INCH (3") OIL AND GAS, PRODUCTION WATER POLY PIPELINE, AND ONE FOUR INCH (4") FRESH WATER POLY PIPELINE ALL CONTAINED WITHIN AN EIGHT AND ONE-HALF INCH (8 ½) STANDARD STEEL CASING IN A PORTION OF GREENTREE BLVD.; THE CASING IS LOCATED WITHIN THE CITY OF MIDLAND RIGHT- OF-WAY, SECTION 9, BLOCK "X", H.P. HILLIARD SURVEY, MIDLAND, MIDLAND COUNTY, TEXAS; THE LICENSE TERM IS FOR FIVE (5) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE AND MAY BE RENEWED AT THE END OF THE TERM FOR ONE ADDITIONAL FIVE (5) YEAR TERM UPON 90 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

Council Member Dufford moved to adopt Resolution No. 2013 - 448; seconded by Council Member Morales.

jeff pulled mayor abstain.

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

21. Approved a resolution authorizing an Operating Certificate for Moore's Limos, LLC to operate a limousine business. (POLICE)

RESOLUTION NO. 2013 - 448

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR MOORE'S LIMO SERVICE, LLC TO OPERATE A LIMOUSINE BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

James pulled to abstain.

Council Member Dufford moved to adopt Resolution No. 2013 - 451; seconded by Council Member Trost.

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

SECOND READINGS

24. Consider an ordinance on second reading on a request by Vision Health Specialties for a zone change from PD, Planned District for a Shopping Center to O-1, Office District on a 0.287-acre tract of land out of Section 18, Block 39, T-1-S, T&P RR Co. Survey and on Lot 2A, Block 45, Fairmont Park Addition, Section 23, City and County of Midland, Texas. (Generally located on the west side of North Midland Drive, approximately 780 feet south of West Loop 250 North.) (DEVELOPMENT SERVICES) (First reading held on November 26, 2013)

ORDINANCE NO. 2013 - 451

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 0.287-ACRE TRACT OF LAND OUT OF SECTION 18, BLOCK 39, T-1-S, T&P RR CO. SURVEY, AND LOT 2A, BLOCK 45, FAIRMONT PARK ADDITION, SECTION 23, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDLAND DRIVE, APPROXIMATELY 780 FEET SOUTH OF WEST LOOP 250 NORTH; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Reyes read the caption of Ordinance No. 9211

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9211 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

25. Consider an ordinance on second reading on a request by Nemecio Torres for an Amended Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 6,369 square foot portion of the west 24.25 feet of Lot 9 and all of Lots 10 through 12, Block 65, Original Town, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of West Wall Street and South Colorado Street.) (DEVELOPMENT SERVICES) (First reading held on November 26, 2013)

ORDINANCE NO. 9211

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 6,369 SQUARE FOOT PORTION OF THE WEST 24.25 FEET OF LOT 9 AND ALL OF LOTS 10-12, BLOCK 65, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF WEST WALL STREET AND SOUTH COLORADO STREET), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA 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 Reyes read the caption of Ordinance No. 9212

Mayor abstain and left dais.

Council Member Trost moved to approve the second and final reading of Ordinance No. 9212 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, Dufford, James, Sparks. NAY: None. ABSTAIN: Perry. ABSENT: None.

26. Consider an ordinance on second reading on a request for the vacation of a 0.05-acre portion of the rights-of-way of South Calhoun Street and East Washington Avenue adjacent to Lot 12, Block 22, Greenwood Addition, Third, Fourth and Fifth, Sections, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of South Calhoun Street and East Washington Avenue.) (DEVELOPMENT SERVICES) (First reading held on November 26, 2013)

ORDINANCE NO. 9212

AN ORDINANCE VACATING AND ABANDONING A 0.05-ACRE PORTION OF SOUTH CALHOUN STREET AND EAST WASHINGTON AVENUE RIGHTS-OF-WAY ADJACENT TO LOT 12, BLOCK 22, GREENWOOD ADDITION, THIRD, FOURTH AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH CALHOUN STREET AND EAST WASHINGTON AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $3,962.50; WAIVING THE FEE FOR THE COST OF THE RIGHT-OF-WAY; AND ORDERING RECORDATION BY THE CITY SECRETARY

Love abstain left dais.

Deputy City Secretary Reyes read the caption of Ordinance No. 9213

Council Member James moved to approve the second and final reading of Ordinance No. 9213 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

27. Consider an ordinance on second reading amending Water and Sewer Rates and Ordering Publication. (UTILITIES) (First reading held on November 26, 2013)

ORDINANCE NO. 9213

AN ORDINANCE AMENDING TITLE III, “DEPARTMENTS”, CHAPTER 1, “WATER DEPARTMENT”, SECTION 2, “RATES,” 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

Deputy City Secretary Reyes read the caption of Ordinance No.

Council Member Trost moved to approve the second and final reading of Ordinance No. 9214 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, Sparks. NAY: None. ABSTAIN: James. ABSENT: None.

PUBLIC HEARINGS

28. At approximately 10:30 A.M. hold a public hearing and consider an ordinance on a request by Sam's Real Estate Business Trust for a zone change from PD, Planned District for a Shopping Center to an Amended Planned District on Lot 1A, Block 2, Westridge Park Addition, Section Three less 2.352-acres, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Tradewinds Boulevard and Westridge Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9214

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION THREE LESS 2.352 ACRES, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND WESTRIDGE BOULEVARD); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Compton overview add aditional space for restrooms rackhouse for refridg equipment. need to site plan addition of 9,000 ?? 10;42 a.m. decrease parking but still sufficient parking. p7z rec approval no opposition.

James one primary way get to Sams on access road between call center and parking lot. what happens where do people go to access Sam's. driveway reduce from 30 feet to 24 also driveways on Tradewinds. has good access from 2 highways but only one way access. James eems awakard staff does not see problematic.

Mayor Perry opened the public hearing at 10:45 a.m.

Brooks Baca 15 ? rep client and answer question. James same question. Brooks right no through 250 it lines up as it jogs over there will be a slight jog because will reduce speed. he likes idea of reducing width. Love is it possible and will bottleneck. Is there

away to encourage people to go to right to park. Brooks could do signage to encourage. Morales more racing people trying to get to clear springs and if could direct around would be better. Sparks parking lot to east. no do not own.

There being no one else wishing to speak, the public hearing was closed at 10:48 a.m.

Deputy City Secretary Reyes read the caption of Ordinance No. 9215

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9215 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.

29. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Sunrise at Fairgrounds, LLC for a zone change from PD, Planned District for a Shopping Center to an Amended Planned District on Lot 2, Block 84, East Midland Addition, Section 16, City and County of Midland, Texas. (Generally located on the west side of N. Fairgrounds Road, approximately 950 feet south of Golf Course Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9215

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2, BLOCK 84, EAST MIDLAND ADDITION, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH FAIRGROUNDS ROAD, APPROXIMATELY 950 FEET SOUTH OF GOLF COURSE ROAD); 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

Planning Division Manager Jim Compton gave a brief overview of the item noting proposal to expand Sunrise at Fairgrounds Apartents. Phse II which will be located on back. this iste plan replace existing site plane showing Phase II. phase I under construction total of 108 dwelling units 21.6 units/acre. 216 parking spaces shwoing 223. all setbacks are met, exterior brick facade 5 feet above hearty plank and different siding. approved by P&Z unanimous staff rec approval sub to conditions.

Mayor Perry opened the public hearing at 10:51 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Reyes read the caption of Ordinance No. 9216.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9216 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

Love originally first phase approved at beginning of year. thought would be problem how phasing especially with ammenity center. State now wish applicant was here. want to commend for bringing phase II and hope continue to be breat proejct.

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

30. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by Raquel Alvarado for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises9217 consumption, in a restaurant, on a 4.896-acre tract of land out of Section 33, Block 39, T-1-S, T&P RR Co Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of South Midkiff Road and West Wall Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9216

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4.896-ACRE TRACT OF LAND OUT OF SECTION 33, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH MIDKIFF ROAD AND WEST WALL STREET), WHICH IS PRESENTLY ZONED LR-3, LOCAL RETAIL DISTRICT, IN PART, AND C-3, COMMERCIAL DISTRICT, IN PART, 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

Planning Division Manager Jim Compton gave a brief overview of the item noting would like to sell alcoholic beverages. shared others in area. propoisng m 73 t-s 10:54. 1770 sq ft. 926 feet utilized as serving area. seating capacity of 62 seats. P&Z rec unan approval no oppoistion.

James suspect most patrons will be residents of complex of hotel? Mayor pretty good customer base. james concern one block over highest traffic accident intersection in community and should consider.

Morales on Sundays alcohol sales start at 11. Jim have to conform to TABC. Perry in that case state law override.

Mayor Perry opened the public hearing at 10:46 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Reyes read the caption of Ordinance No. 9217

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9217 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.

MISCELLANEOUS

31. Approved a motion approving an Economic Development Agreement between the Midland Development Corporation and Pro Terminal Operators, LLC, setting forth the terms and conditions upon which incentive funds will be provided to Pro Terminal Operators, LLC, as consideration for Pro Terminal Operators, LLC making certain improvements to the property described as a 7.89-acre tract located in Section 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. Said tract is generally located at Midland International Airport. (CITY ATTORNEY'S OFFICE)

    Council Member Sparks moved to approve a motion approving an Economic Development Agreement between the Midland Development Corporation and Pro Terminal Operators, LLC, setting forth the terms and conditions upon which incentive funds will be provided to Pro Terminal Operators, LLC, as consideration for Pro Terminal Operators, LLC making certain improvements to the property described as a 7.89-acre tract located in Section 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. Said tract is generally located at Midland International Airport.; 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.

32. Approved a motion approving the Midland Development Corporation's sale of Building "A" and the property described as Lot 9, Block 10, Midland International Airport Industrial Park Addition, Section 5, Midland, Midland County, Texas, to Pro Terminal Operators, LLC. (CITY ATTORNEY'S OFFICE)

    Council Member James moved to approve a motion approving the Midland Development Corporation's sale of Building "A" and the property described as Lot 9, Block 10, Midland International Airport Industrial Park Addition, Section 5, Midland, Midland County, Texas, to Pro Terminal Operators, LLC.; seconded by Council Member Dufford.

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

33. Approved a motion authorizing the City Manager to execute all documents to sell to the Midland Community Development Corporation an eight (8) acre tract of land out of a City owned forty-eight (48) acre tract located at Loop 250 and North Big Spring. The City Manager may establish an appraisal if necessary and select the appropriate abstract company, and execute all closing documents and deeds. The sale of the property is not subject to the bidding requirements. (CITY MANAGER'S OFFICE)

    Council Member Morales moved to approve a motion authorizing the City Manager to execute all documents to sell to the Midland Community Development Corporation an eight (8) acre tract of land out of a City owned forty-eight (48) acre tract located at Loop 250 and North Big Spring. The City Manager may establish an appraisal if necessary

and select the appropriate abstract company, and execute all closing documents and deeds. The sale of the property is not subject to the bidding requirements. ; seconded by Council Member James.

Morales asked David to come forward.

David Diaz, 5101 sherwood, Michell Denblecker 710 ?? as council aware successful in getting 2 awards fo rhousting tax credits for affordable apt complex in past few years. would like to submit naother app in 2014 and hired a consultant to identify best app can put together. consultant diane mcgayver successful in sr housing project known as harper place. Parcel owned by city that is extremely high and consequently at point submitted request to make 8 acres out of 48 acres at corner of loop 250 and north big spring. Michelle is with another non-profit housing inc and been involved in tax credit inititive apps for 20 years. avail to ans questions about how scores. Thanked 3 Council Members who leaving and thanked fo rpaassed support. looking for one last farwell gift.

Love when is tdhc funding cycle annualy? is it one time shot in dark or reg basis. David annual cycle. Compete in region 12 from Pecos to San Angelo and very competitive. Every year San Angelo and Odessa competing against Midland for awards. In years past first award won by one point. Second award won by 2 points. Annual basis submit preapp usually beginning of January 2014 due Jan 16 full app due March 1 to state. Love it would also be same for next year you submit Jan 2015 for subsequent cycle? female yes change rules every year and received rules in early November.. Mayor any other sites in Midland? David has map provided by consultant. Michelle real competitive factor properties in hgih performing school district is Emerson Elementary. Within Emerson school boundaries not a lot of properties. That is only school that will score max points. Once in place stuck with for a year. Qualifications change every year. Perry where did look? MIchelle start looking within boundaries of where available land and what cna do to secure land quickly and start initiation with City staff. Looked for alternative sites and those are not financially feasible. Love is boundary on map specifically boundaries of Emerson elementary. Michelle that is exact boundary of Emerson they overlay 4 different scoring criteria if move outside of that boundary get 3 fewer points. and 3 points makes all the difference in a project. already in competition with 4 others projects in odessa. David takes tremendous amoutn of humn and finnacial resources to put app together. not worth time without high scoring app. Love other piece of property on Lamesa it looks like that actually is in boundaries. Michelle parcels are shaded in different colors becasue of census tract. The shading underneath within census. What state of TX is trying to eliminate concentrations fo impoverty so want to put in higher census tracts rather than lower. James that is not new been trying to do that for years. Morales probably the most versed on tax credit (David) so very blessed to have him. Issue having is property is not proper planning not being able to plan it property the land is very valuable and tha tis challenge. We understand housing issue today and want to be visible but a lot of factors in consideration. Love would add we are all supportive of affordable housing. Dufford think fuse is too short to have adequately palnned in this short of time frame. It might be a great spot but until a master plan of how retail would fit in big scheme can't vote for today. Glad to hear came come back next year and see how it fits in big picture. David are there plans for a master development there? Sparks could be first heard about was about 10 days ago. James there are alot of conversations about tha tentire area and how it might change in next 10 years. There is no plan but conversations have started. David given short time fuse that state puts on what is rec as far as planning for next year given fact that state comes

out with their info in Nov. Morales asked that question and want to understand format and bring in City staff so better prepared. Dufford plan could be do nothing this now. Sparks suggested engaging a little earlier. David had identified a couple of sites. James think outcome would of been the same because of big conversation that has already been going on. Start looking for 4 or 5 properties now and have in queue. Love quantify based on this years criteria and databse with different criteria. Perry know partners but need to figure out way to be best partners.

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

adjourn 1:04 p.m.

34. Approved a motion establishing a policy to waive a percentage of the fees at the City's landfill for demolition in the downtown area. The City shall continue to collect the State Tipping Fee. (CITY MANAGER'S OFFICE)

Trost did when first got on Council in 2008 had policy and expired to encourage demo of downtown buildings. Still have quite a few left to go, thinking should continue policy for another couple of years. Sugest collect state tipping fees. Mayor is this to get policy or to figure out what to do. James policy exists and want to continue. Perry not to approve or extend current need to consider TIRZ and mgmt district think that's a part tha thave to consider. Morales might be able to get 2-3. Duford or do on case by case for each project. James put in place with 2 groups already in place and tried to encourage demo or redev of older buildings. None happened as result of this small incentive. Do know one building that about to undergo renov has tapped its TIRZ opportunity and asked about program such as this. Trost idea is to get buildings renovated and TIRZ would realize in long run more money to put out; understand $ is limited. Suggest to have TIRZ pay is one thing but better to utilize for other projects that come up downtown to get these moving to generate those tax dollars into TIRZ. Dufford no problem continueing incentive but they need to pay state tipping fee. Keith have CM office bring back policy for adoption or do dev agmt on case by case basis. James simploy direct city manage to reinstate expired policy or will sono expire with exception of tipping fees. Keith understand prior policy was case by case. Morales started off with broad poloicy and descaplated. Sparks if goal of city is to encourage demolishing run down old buildings then this makes sense. Courtney the affect will be accelerated city's need to build new landfill cell. Staff rec is there is a cost associated with waiving landfill fees. Staff rec make sure taps our TIRZ DMMD or MDC then come back on case by case basis or through policy because there is an affect on rates. James affect of that is TIRZ is in turmoil by time TIRZ says no delayed renovation project maybe can be administrative so it won't stop or slow renovation too much. Morales need to review policy? What kind of costs are occuring during demos as reviewing policy and hsould set benchmarks. Sparks agree would like staff to take look and make recommendation.

Council Member James moved to approve a motion to have staff establish a policy to waive a percentage of the fees at the City's landfill for demolition in the downtown area. The City shall continue to collect the State Tipping Fee. ; seconded by Council Member Love.

James asked attorney can it be revision to policy and come back in January.

come back in Janaury

and come back in January for Council approval (add to motion)

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

EXECUTIVE SESSION

Mayor announced would go to executive session and then return at 12:15 to hear remaining items.

reconvene 12:41 p.m.

35. 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. Discuss the purchase, exchange, lease or value of real property described as Lot 1 less 7.87 acres, Block 1, Westridge Park Addition, Section 1, an addition to the City of Midland, Midland County, Texas.

b. Section 551.087 Deliberate Economic Development Negotiations

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

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

PASSED AND APPROVED the __ day of ____, ___.

_____
W. Wesley Perry, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary