MIDLAND CITY COUNCIL
MINUTES
December 18, 2012

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ___ a.m. on December 18, 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., December 18, 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 10:00 a.m.

1. Invocation - Father Bernard Getigan, St. Michael the Archangel Catholic Church

2. Pledge of Allegiance

PRESENTATIONS

3 a. Council Member John James presented Certificate of Achievement for Excellence in Financial reporting from the Government Finance Officers Associations to Finance Director Bob McNaughton and his staff.

3 b. City Manager Sharp and Mayor Perry presented certificates of recognition to Certified Public Manager Graduates Regina Stepheson and Charlene Fox.

Management Awards: Scott Dufford mgmt award program designed to recognize managers and employees for achievements that go above and beyond what is expected of them. monetary saving, internal orga and ext swervice and delivery. Added innovcation award in 2003.
innovation 1st place justine ruff, simon ??? lynx project - synchronized and produced several special for Lynx.
Monetary Savings - Joanna Lauder - questioned use of certain tests required and found one test not being accurately recorded annual savings of $29,000
2nd place monetary savings - Paul Oneil animal service - using AVID microchips charging $5/chip if pet owner registering would pay additional $20. now purchase AKC at $5 each for each one sell award 1 point. Each officer now has universal scanner at no cost to City.

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

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

   b. Recognize the 2012 Certified Public Manager Graduates: Regina Stephenson and Charlene Fox.

PUBLIC COMMENT

Linda Caraway, 710 Ainslee, since time change almost dark at 6 and uses soaker hoses and can't see where to go next. Asked to consider changing time from 4-6 instead of 6-8. Courtney will meet up Ron Jenkins to make arrangements.

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

Hailey voted aye 7-0

Council Member Hailey moved to approve Consent Agenda items 5 - 32 excluding 12, 18, 26, 28; seconded by Council Member Sparks.

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

5. Approved a motion approving the following minutes:

   a. Regular Meeting of November 27, 2012.

6. Approved a resolution approving appropriating funds from the Midland Development Corporation Unappropriated Fund Balance to be used for promotional purposes. (FINANCE)

RESOLUTION NO. 2012 - 414

RESOLUTION APPROVING THE MIDLAND DEVELOPMENT CORPORATION'S APPROPRIATION OF $590,244 FROM THE FISCAL YEAR 2011-2012 BUDGET TO BE USED FOR PROMOTIONAL PURPOSES, AS AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE

7. Approved a resolution approving an agreement with Everbridge, Inc. of Glendale, California for hosted mass communication services for the Communications and Information Systems Department. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 415

RESOLUTION AWARDING A TW0-YEAR CONTRACT FOR HOSTED MASS NOTIFICATION AND COMMUNICATION SERVICES TO EVERBRIDGE, INCORPORATED, AT A TOTAL COST OF $60,360.00; AND THESE SERVICES MAY INCLUDE REVERSE 911 SERVICE; AND CONTACTS WITH CITIZENS MAY BE MADE VIA LANDLINE, CELLUALR PHONE, TEXT MESSAGES OR EMAIL

8. Approved a resolution approving a contract for water, wastewater and fire hydrant taps for the Engineering Services Department. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 416

RESOLUTION AWARDING A CONTRACT FOR WATER, WASTEWATER AND FIRE HYDRANT TAPS TO ENTRENCH, INCORPORATED, AT A TOTAL COST OF $517,682.50; AND APPROPRIATING FUNDS

9. Approved a resolution approving the purchase of uniforms for the Fire Department through Buyboard. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 417

RESOLUTION APPROVING THE PURCHASE OF UNIFORMS FOR THE CITY OF MIDLAND FIRE DEPARTMENT THROUGH THE BUYBOARD AT A TOTAL COST OF $96,068.72; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

10. Approved a resolution approving a service contract for water well service for Utilities,

Parks and the Municipal Golf Course. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 418

RESOLUTION AWARDING AN ANNUAL CONTRACT FOR WATER WELL MAINTENANCE FOR THE CITY'S WATER SUPPLY TO STRAUB CORPORATION, AT A COST NOT TO EXCEED $60,000.00 PER YEAR; AND SAID CONTRACT IS FOR A TERM OF TWO (2) YEARS, RENEWABLE FOR UP TO AN ADDITIONAL THREE (3) YEARS AT THE CITY'S OPTION; AND STRAUB CORPORATION WAS THE SOLE BIDDER

11. Approved a resolution approving the purchase of four complete side wheel roll irrigation systems for the Utilities Department. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 419

RESOLUTION AUTHORIZING THE PURCHASE OF FOUR COMPLETE SIDE-WHEEL ROLL IRRIGATION SYSTEMS AND SPARE PARTS FOR USE AT THE SPRABERRY FARM FACILITIES FROM MESA IRRIGATION COMPANY, OF LAMESA, TEXAS, AT A TOTAL COST OF $61,150.00

13. Approved a resolution authorizing the execution of a Letter of Agreement between the City of Midland and the Federal Aviation Administration (FAA) Air Traffic Control Tower regarding Airport Movement Area and Vehicle Control on Airfield Surfaces. (AIRPORTS)

RESOLUTION NO. 2012 - 421

RESOLUTION AUTHORIZING THE EXECUTION OF A LETTER OF AGREEMENT BETWEEN THE CITY OF MIDLAND AND THE FEDERAL AVIATION ADMINISTRATION AIR TRAFFIC CONTROL TOWER REGARDING AIRPORT MOVEMENT AREAS AND VEHICLE CONTROL ON AIRFIELD SURFACES AT MIDLAND INTERNATIONAL AIRPORT

14. Approved a resolution of the City of Midland, Texas requesting that the Texas State Legislature and the Governor of Texas take action to approve House Bill No. 63 which was introduced by the Honorable Tom Craddick in the Regular Session of the 83rd Session of the Texas Legislature. (CITY ATTORNEY'S OFFICE)

15. Approved a resolution authorizing an amendment to the Permian Basin PBS agreement extending the fundraising deadline to March 31, 2013. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2012 - 422

RESOLUTION APPROVING AN AMENDMENT TO THE PROMOTIONAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND PERMIAN BASIN PUBLIC TELECOMMUNICATIONS, INC. TO ADVERTISE OR PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES

16. Consider a Resolution appropriating funds to Atmos RRM (Rate Review Mechanism) Project 8923. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2012 - 423

RESOLUTION APPROPRIATING FUNDS FROM THE GENERAL LIABILITY SELF-INSURANCE FUND TO THE ATMOS RATE REVIEW MECHANISM PROJECT (8923)

IN THE AMOUNT OF $198,032.00; SAID FUNDS REPRESENT REIMBURSEMENT FROM ATMOS FOR CONSULTING/LEGAL FEES ASSOCIATED WITH THE STEERING COMMITTEE'S ANALYSIS OF THEIR RATE REVIEW MECHANISM COSTS; THERE IS NO IMPACT TO THE GENERAL FUND

17. Approved a resolution authorizing the City of Midland to access HOME Investment Partnerships Program funds from the Texas Department of Housing and Community Affairs through the Reservation System Participant Program; such funds to be used for Homeowner Rehabilitation Assistance and Homebuyer Assistance Programs; designating two City sources as matching funds but total City match will not exceed $3,000.00; designating City cash reserves for funding projects pending reimbursement from the State; and appropriation of funds for the HOME Investment Partnerships Program Reservation System Participant Program. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2012 - 424

RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO ACCESS THE HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS THROUGH THE RESERVATION SYSTEM PARTICIPANT PROGRAM; SAID FUNDS WILL BE USED FOR HOME OWNER REHABILITATION AND HOME BUYER ASSISTANCE PROGRAMS; DESIGNATING SEVERAL CITY SOURCES AS MATCHING FUNDS NOT TO EXCEED $3,000.00; DESIGNATING CITY CASH RESERVES FOR FUNDING PROJECTS PENDING REIMBURSEMENT FROM THE STATE; AND APPROPRIATING FUNDS FROM THE HOME INVESTMENT PARTNERSHIPS RESERVATION SYSTEM PARTICIPANT PROGRAM

19. Approved a motion on a request from First Baptist of Midland to approve the use and operation of golf carts on portions of Baird Street, Main Street and Texas Avenue, City owned streets within the downtown area of the City of Midland on December 9th, 16th, 23rd, 24th, and 30th, 2012 for church services within the Midland Center. (ENGINEERING SERVICES)

20. Approved a resolution to approve a contract between the City of Midland and Midland Development Corporation and to accept funds in the amount of $1,500,000 for the construction of Brairwood Avenue between Holiday Hill Road and Avalon Drive. (ENGINEERING SERVICES)

RESOLUTION NO. 2012 - 425

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE CITY OF MIDLAND FOR IMPROVEMENTS TO BRIARWOOD AVENUE, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE; AND APPROPRIATING FUNDS THEREFOR

21. Approved a resolution authorizing the execution of a Public Improvement Development Agreement in the amount of $2,974,959 with Brighton County Development, LLC (Mike Black) for the paving and drainage improvements to serve the Cross Pointe Addition. The site is generally along the Briarwood Avenue corridor between Holiday Hill Road and Avalon Drive. Said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2012 - 426

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH BRIGHTON COUNTY DEVELOPMENT, LLC FOR DEVELOPMENT OF CROSS POINTE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ALONG THE BRIARWOOD AVENUE CORRIDOR, BETWEEN HOLIDAY HILL ROAD AND AVALON DRIVE); AND APPROPRIATING FUNDS IN THE AMOUNT OF $2,974,959.00 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

22. Approved a resolution authorizing staff to advertise for bids the "D" Street Utility Improvement Project. (ENGINEERING SERVICES)

RESOLUTION NO. 2012 - 427

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE DOUGLAS AVENUE AND “D” STREET WATER AND SEWER IMPROVEMENTS PROJECT; SAID PROJECT WILL BE FOR THE INSTALLATION OF NEW WATER AND SEWER MAINS ALONG DOUGLAS AVENUE AND “D” STREET

23. Approved a resolution authorizing staff to advertise for bids the COMPASS project (sidewalk, alley & street paving). (ENGINEERING SERVICES)

RESOLUTION NO. 2012 - 428

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE COMPASS PROJECT (CITY OF MIDLAND PAVING, ALLEYS, STREETS AND SIDEWALKS); SAID PROJECT WILL ESTABLISH A UNIT PRICE FOR INSTALLATION OF NECESSARY COMPONENTS TO CONSTRUCT STREETS, ALLEYS AND SIDEWALKS

24. Approved a resolution to allocate additional funds in the amount of $58,424 to the Jal Draw Channel Lining project. (ENGINEERING SERVICES)

RESOLUTION NO. 2012 - 429

RESOLUTION APPROPRIATING $58,824 FROM THE 2001 GPCO DRAINAGE IMPROVEMENTS BOND FUND (165) UNAPPROPRIATED FUND BALANCE (5650) TO THE JAL DRAW CHANNEL LINING PROJECT (8880) FOR ADDITIONAL IMPROVEMENTS TO JAL DRAW

25. Approved a resolution authorizing staff to advertise for bids for the Lamesa Road Signal Replacement. (ENGINEERING SERVICES)

RESOLUTION NO. 2012 - 430

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE LAMESA ROAD SIGNAL REPLACEMENT PROJECT; SAID PROJECT WILL BE FOR THE REPLACEMENT OF SIGNALS AT THE INTERSECTIONS OF CUTHBERT AVENUE AND LAMESA ROAD AND GOLF COURSE ROAD AND LAMESA ROAD

27. Approved a resolution to approve a contract between Kenneth Huseman Family Limited Partnership and Midland Development Corporation in the amount of $1,500,000 for the

construction of public improvements to serve the property south of I-20 and West Loop 250. (ENGINEERING SERVICES)

RESOLUTION NO. 2012 - 431

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND KENNETH HUSEMAN FAMILY LIMITED PARTNERSHIP, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE; AND AUTHORIZING PAYMENT THEREFOR

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

RESOLUTION NO. 2012 - 433

RESOLUTION AUTHORIZING THE EXECUTION OF A 1-YEAR EFFLUENT FARM LEASE RENEWAL AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND SPRABERRY CGC, INCORPORATED, FOR OPERATION OF THE SPRABERRY EFFLUENT FARM; AND DIRECTING THE DIRECTOR OF UTILITIES TO TAKE ALL PROCEDURAL STEPS NECESSARY TO BID AND HAVE IN PLACE A NEW LEASE AGREEMENT FOR THE SPRABERRY EFFLUENT FARM, SAID AGREEMENT TO TAKE EFFECT PRIOR TO JANUARY 1, 2014

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

RESOLUTION NO. 2012 - 436

RESOLUTION AUTHORIZING THE EXECUTION OF A 1-YEAR EFFLUENT FARM LEASE RENEWAL AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND KEVIN COOK, FOR OPERATION OF THE SPRABERRY EFFLUENT FARM; AND DIRECTING THE DIRECTOR OF UTILITIES TO TAKE ALL PROCEDURAL STEPS NECESSARY TO BID AND HAVE IN PLACE A NEW LEASE AGREEMENT FOR THE SPRABERRY EFFLUENT FARM, SAID AGREEMENT TO TAKE EFFECT PRIOR TO JANUARY 1, 2014

31. Approved a resolution approving a one year lease extension with Schumann Cattle Company for a 219.3 acre portion of the Plant Farm. (UTILITIES)

RESOLUTION NO. 2012 - 437

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; AND DIRECTING THE DIRECTOR OF UTILITIES TO TAKE ALL PROCEDURAL STEPS NECESSARY TO BID AND HAVE IN PLACE A NEW LEASE AGREEMENT FOR THE CONNER EFFLUENT FARM, SAID AGREEMENT TO TAKE EFFECT PRIOR TO JANUARY 1, 2014

32. Approved a resolution approving a one year extension of the contract with CK Hay and Cattle Farms at the Plant Farm. (UTILITIES)

RESOLUTION NO. 2012 - 438

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; AND RATIFYING ACTIONS TAKEN BY THE PARTIES AFTER EXPIRATION OF THE CURRENT LEASE AGREEMENT ON NOVEMBER 30, 2012; AND DIRECTING THE DIRECTOR OF UTILITIES TO TAKE ALL PROCEDURAL STEPS NECESSARY TO BID AND HAVE IN PLACE A NEW LEASE AGREEMENT FOR THE PLANT FARM, SAID AGREEMENT TO TAKE EFFECT PRIOR TO JANUARY 1, 2014

12. Approved a resolution approving a Professional Services Agreement with Connolly Architects and appropriating funds for renovations of the Animal Services Building. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 439

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH CONNOLLY ARCHITECTS, INCORPORATED, FOR PROFESSIONAL ARCHITECTURAL DESIGN SERVICES FOR THE CITY OF MIDLAND ANIMAL SHELTER; AND APPROPRIATING $49,500.00 FOR SAID PROFESSIONAL SERVICES

Council Member Hailey moved to adopt Resolution No. 2012 - 442; seconded by Council Member Trost.

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

18. Receive and file the Consolidated Annual Performance and Evaluation Report for 2011/2012. (DEVELOPMENT SERVICES)

Morales bring light to report Program seems successful and reviewed statistics that happened in last Fiscal year. program proven to be successful congratulate.

26. Approved a resolution authorizing staff to advertise for bids the Lamesa Road Pedestrian Access Improvement Project. (ENGINEERING SERVICES)

RESOLUTION NO. 2012 - 442

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE LAMESA ROAD PEDESTRIAN ACCESS IMPROVEMENT PROJECT; SAID PROJECT WILL BE FOR THE CONSTRUCTION OF SIDEWALKS, RAMPS AND CROSSWALKS ALONG BOTH SIDES OF LAMESA ROAD

James update for lamesa rd. City Engineer David Beard in process of upgrading and reconstructing Lamesa Rd. First project was water line just under $2m in improvements. next step is repalce signals at lames golf course and lamesa cuthbert those on consent and will move forward. last item is pedestrian access a little over 3 miels of sidewalk to construct. Will take some time to get done 6-9 months of construction for sidewalks. Once complete two left. Sewer line work repairing manholes and last project is street reconstruction or resurfacing. Expect by this time next year should be complete or finishing up construction.

David doing a little work on it now nad will knock off some of those rought spots to smooth out the ride in the interim until street reonstructed. contractor will do something in January.

James spend a lot of time in San Antonio and one thing whwere major construciton projects is at one or two or three businesses they put up timeline that says what doing and expected completion date for each project.

Morales is contractor giving indication challenge with Labor. Yes that is why not doing now.

Council Member Hailey moved to adopt Resolution No. 2012 - 432; seconded by Council Member James.

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

28. Approved a resolution authorizing the Mayor to negotiate and execute a contract with the Midland County Fresh Water Supply District Number #1 to investigate additional water supplies in Winkler County. (UTILITIES)

RESOLUTION NO. 2012 - 432

RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE AN INTERLOCAL AGREEMENT WITH THE MIDLAND COUNTY FRESH WATER SUPPLY DISTRICT #1 FOR THE DESIGN OF A WELL TO BE DRILLED INTO THE CAPITAN REEF COMPLEX AQUIFER TO PROMOTE THE CITY'S FUTURE WATER SUPPLY; AND APPROPRIATING FUNDS

Trost pulled need more clarification. Understand reasons but to design well to be drilled in Capitan Reef. Who is going to be the designer? Is it new, special different? Sparks they have drawings which are preliminary and haven't actually done any engineering. Orig when came and looking at estimated cost he baulked. They've given a lot of info that haven't gone through. will be looking at it and they have consulting firm that will do design work and he is looking at from what is required of muni water well. Need to make decisions on how to approach getting to that depth. Only funding consultant to help design well and get bids and have more realtistic number when it comes back to City Council. Trost there must be someone whose done this sort of thing. Dufford different to drill municipal water well than oil and gas. Stuart there are no wells in Capitan Reef and 5000 feet is exceptionally deep.

Council Member Morales moved to adopt Resolution No. 2012 - 435; seconded by Council Member Dufford.

sparks had several discussions and absent of him retire form his work and spending coupel weeks just doing this he is getting some help. James want to make sure ask question publically. This issue although it related to T-Bar that will be here in June want to ensure everyone understands still objective to have TBar water her ein May of 2013 and this is related but seperate project that will not impact water in 2013. Courtney correct he stays in contact PSC and it is a little ahead of schedule of delivery day of May 31. Sparks this is an additional supply over and above what we've been talking about.

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

SECOND READINGS

33. Consider an ordinance on second reading on a request by COM Aquatics, Inc. for the vacation of the east/west 20 foot alley out of Block 3, "A" Street Community Center, Section 3, being a 0.16-acre portion of land adjacent to Lot 1C, Block 3, "A" Street Community Center, Section 7, City and County of Midland, Texas (Generally located near the southwest corner of the intersection of West Wadley Avenue and North "A" Street). (Development Services)

ORDINANCE NO. 2012 - 435

AN ORDINANCE VACATING AND ABANDONING A 0.16-ACRE PORTION OF THE EAST/WEST 20-FOOT ALLEY LOCATED WITHIN BLOCK 3, “A” STREET COMMUNITY CENTER, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NEAR THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST WADLEY AVEUNE AND NORTH “A” STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $17,400.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Reyes read the caption of Ordinance No. 9019.

Council Member Hailey moved to approve the second and final reading of Ordinance No. 9019 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Cameron Walker need to discuss the request to vacate the Alley for COM Aquatics and notcharge market rate of property;. Proposal is to allow them to use property to expand to the north of existing facility. the alley is 20 foot alley. suggesting consider allowing COPM to have alley at cost of $0 with assumption that ordinance not going into affect until Atmos satisfied with new lines and new sewer line on west side of existin facility to replace what is in the alley. The first ordinance had a valuation of $17,400. they will be granting city an easement on west side. COM is paying for Atmos and City Sewer Line relocation.

Cameron suggestion made is this ordinance not take affect until the property is platted vacating the alley and instead giving eastment on east side for new sewer line replacement. james what are citizens being asked to pay. Most others would pay $17,000 but giving us X there is cost and what is that cost. Cameron land is $17,400 sewer line replacment and utilitiy easement along side of property. Staff believes the trade is reasonable. James it kind of is a wash.

Council Member Hailey moved to approve the second and final reading of Ordinance No. 9019 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

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

PUBLIC HEARINGS

34. At approximately 10:30 a.m. hold a public hearing and consider an ordinance on a request by Midland Habitat for Humanity for a zone change from C-3, Commercial District to PD, Planned District for a Housing Development on Lots 14 through 26, Block 43, Lots 14 through 26, Block 44, and Lots 14 through 26, Block 45, Greenwood Addition, Third, Fourth & Fifth, City and County of Midland, Texas. (Generally located on the north side of Cloverdale Road, between South Jackson Street and South Webster Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9093

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 14-26, BLOCK 43, LOTS 14-26, BLOCK 44, AND LOTS 14-26, BLOCK 45, GREENWOOD ADDITION, THIRD, FOURTH, AND FIFTH, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED C-3, COMMERCIAL DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE NORTH SIDE OF CLOVERDALE ROAD, BETWEEN SOUTH JACKSON STREET AND SOUTH WEBSTER STREET); 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 this property in configuration of platted lots 50 feet wide and almost 300 feet deep. Very difficult to develop. Request from Midland Habitate to rezone portion of property from C3 Commercial District. Request to take 3 blocks and rezone to planned district for a housing development. Cloverdale rd carries a lot of traffic, fairly high speed road and applicant felt better to reate series of cul-de-sacs where property owners protected from traffic and nosie. No letters of objection. Reason for PD is lot sizes don't meet min stnadards of 5500 square feet. typical size is 5100 to 5200 that is reason for use of PD.

Mayor Perry opened the public hearing at 11:29 a.m.

Eric West PSC 1700 W Wall, been working with Habitat for Humanity would of asked for 1F3 zoning or could of built in C3. The small lots is go ahead and lay out the actual size house that habitat builds on those to convince that what doing with smaller lots did work with this location. Excited about possiblity but need Council approval.

Trost 6 streets onto Cloverdale. Eric now 6 streets instead of 40 driveways. Morales any traffic study tos ee oil truck usage. Eric did not take counts of number of trucks. A lot more subjective that get driveways off of Cloverdale. Still concern that might be heavy presence. Eric don't know anything to do to change that. This is best scenario to accomodate what is going to be there.Hailey what about drainage will it flood. Eric all in the Mulberry Channel watershed. Don't know that anything proposed that would change the drainage. ajor contributor to flooding is development over lnog period of time withoutspecific improvements. Could try to slow down water coming off site by creative paths out of cul-de-sacs. dont' know will change what is happening in overall watershed.

There being no one else present wishing to speak, the public hearing was closed at 11:35 a.m.

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

Council Member Morales moved approval of the first of two readings of Ordinance No. 9093 in accordance with the Charter of the City of Midland; seconded by Council Member Hailey.

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

35. At approximately 10:33 a.m. hold a public hearing and consider an ordinance on a request by Chris Vore for a zone change from C-3, Commercial District to PD, Planned District for a Housing Development on a 5.00-acre tract of land out of Blocks 84 and 85, East Midland Addition, City and County of Midland, Texas. (Generally located on the west side of North Fairgrounds Road, approximately 950 feet south of East Golf Course Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9094

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 5.00-ACRE TRACT OF LAND OUT OF BLOCKS 84 AND 85, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED C-3, COMMERCIAL DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE WEST SIDE OF FAIRGROUNDS ROAD, 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

Walker 5 acres tract of land in C3 zoning. onwer submitted app asking to rezone from c3 to PD planned dist for housing deve. for placement of 3 stroy housing complex with up to 20 units per acre. Recent treands allow for greater than 16 Council approved up to 24 acres per acres in typical land use area. Request not out of line. the commission asked if applicant would consider more brick material on building. Rather than tell app Mr. DeVore defer consideration, staff was told by commission to wrok with Mr. Devore to obtain new version of site plan. What seeing on split screen is original site plan shown to commission. The second version shows brick up to top of first floor. In possession of exhibit B when informed don't want to do brick on first story but only up to five feet . No letters of objection. Orig rec to P&Z was for approval. Rec doesn't change it's how you feel about C and C-1. Wes amenity package? Cameron built in phases. second phase app will bring in amenity package include club house outdoor open space and other related items. Commission decided would accept amenity package with phase II. Wes no guaranty phase II will even be built.

Mayor Perry opened the public hearing at 11:42 a.m.

John Dunn 701 B Technology circle, given current economy market for current trades had to go beyond area to find contractors subcontractos. Cost of additional brick if $100,000. Nothing in code that speaks to heighth of brick on apartments to keep cost down. Not luxury just want to get built for people to liv ein. Did tell them if have to go that route then will. Amenity Center is Phase II. Given everything moves along in economy may stand back and not do second phase right away. Out look is do need amenity center right off the bat. Most people need palce to live right now. Target market is working class people that is more affordable. Perry willing to put up something in event don't build phase II that residence will get an amenity center. Perry want good housing for all income levels. Would feel better about guranty to build an amenity center if phase II doesn't happen.

Morales if guarantee for him that will keep apartment rates affordable then he would be okay. Ran numbers with bank and thsoe were numbers but it could go up due to inflation. $850-$950 a unit. James this is tough time for community and speaking out of both sides of mouth when say build and make it affordable.

Trost This is phase I not talking about PH II and amenity pkg and not talking about promise. Believe in your promise and odn't think cod eenforcement would not allow to build sub standard project. Thanks for doing that. Mr. Dunn the amenity they drew on sit eplan for purpose of layout. there will be a 6 foot cedar wood fenc eon property with security lighting. Morales can sacrifice amenities and luxuries if keep affordable.

John Love 1613 E Oak, concerned about amenities but at least club house or leasing office appropriate for project. Nothing to guarantee that this deal won't fall through at minimum would like to see tha menity as part of this project.

There being no one else present wishing to speak, the public hearing was closed at 11:55 a.m.

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

Council Member James moved approval of the first of two readings of Ordinance No. 9094 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

Hailey should have leasing office at least. Mr. Dunn plan is to set up temporary office while building and once go in to use first store floor before phase II. Will property mgr live on site? Not sure current prop mgr lives in Odessa.

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

36. At approximately 10:36 a.m. hold a public hearing and consider an ordinance on a request by Dusty Evans for a zone change from AE, Agriculture Estate District on a 3.911-acre tract of land and from PD, Planned District of a Shopping Center on a 7.709-acre tract, to LR-2, Local Retail District all out of Section 8, Block “X”, H.P. Hilliard Co.

Survey, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of North Midkiff Road and Mockingbird Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9095

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 3.911-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK “X”, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, AND A 7.709-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK “X”, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND MOCKINGBIRD LANE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Cameron request by property owner to change a portion fo property zoned AE to LR2 is anticipation of retail uses at Mockingbird/Midkiff. Add another 3.9 acres to bring total to over 11 acres. there are wells being drilled on property by Blue Stem Energy. With distanc erequirement between well and buildings applicant requesting for larger area. Size of tract meets the norm for retail corner. No letters of obj from neigh prop owners.

Mayor Perry opened the public hearing at 11:10 a.m.

Denise underwood 4104 Fairwood, wondering what difference between what it was zoned for and changing it to next part. Itwas a planned shopping center and now a local retail destrict. Cameron the nitial zoning from early 90's was for pl dsit for shopping center. all are unique ord something in landscaping palns, building hts etc. It was anticipated in 1994 that Mr. Evans would consider development of tha tproperty and bring a site Plan in prior to development. Still at that time permission for retial uses. Application is to take Planned District and put that piece of land and another 3.9 acres with it under retail umbrella to allow for retial uses to be allowed on property. In 2006 adopted buildin material stnadards so some assurance of how building with appear and blend in with surrounding neighborhoods. Denise wants it to stay nice and now switching from one to anotehr and not what thought bought into. Don't want a elsser and if it makes the standards less would like Council to consider.

Dusty Evans 3502 Mockingbird, would like to say well activity hasn't been permitted bu is in proess. It will restrict use limited to housing and commercial would be better use for property. Doesn't see it as looking much different than what is across the street already.

There being no one else present wishing to speak, the public hearing was closed at 11:15 a.m.

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

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9095 in accordance with the Charter of the City of Midland; seconded by Council Member James.

James what could be built on corner right now. Cameron subject to LR1 smaller type of retail restaraunt, cafe, cafeteria, of fpremise alcohol, bowling alley, pet shops. In new use you could do more of those types of thinks. Cameron minor differences in LR can't ask for alcoholic beverag ein restaraunt, can sell off premise. Property across street is PD with LR2 which is same. James something about passing ordinance tha tallowed us look at things related to building such as materials, if approve this, will this ever come back to Council. Cameron no. james but ord in place regaridng buildg materials would be taken care of admin? Cameron, yes objective at time is to limit use of PD. Morales if develop something Council does not have say so on material. Cameron subject to admin review and it would not come back before Council but Council has adopted the types of buildg materials acceptable. James from alcohol perspective, direction of this ordinance would conveivable be more restrictive or less? Cameron depends on viewpoint. Don't have an application yet don't know if intent of owner. If desire to have alcohol beverage in rest then hav eto have LR2. From other angle have opportunity to check if certian bldg materials are on bldg. Sparks looking at zoning ord and revamping, will this be subject to LR2 as it is today or LR2 as we adopt new ord if haven't platted anything. Keith it would be the zoning today unless the Ordinance is amended. Sparks do we have estimated day of when will see new zoning ord. Cameron, have selected consultant one main gaol was to be on this agenda but did not receive. Hope to have it on January 8 but dependent on legal review.

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

37. At approximately 10:39 a.m. hold a public hearing and consider a resolution on a request by James Isbell for a Special Temporary Permit for the placement of a Manufactured Home on Lot 9, Block 2, Pavilion Park, Section 7, City and County of Midland, Texas. (Generally located at the east extension of Solomon Lane on the west side of North Fairgrounds Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2012 - 440

RESOLUTION AUTHORIZING A TEMPORARY SPECIAL PERMIT FOR A MANUFACTURED HOME ON LOT 9, BLOCK 2, PAVILION PARK, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST EXTENSION OF SOLOMON LANE ON THE WEST SIDE OF NORTH FAIRGROUNDS ROAD)

Planning division Manager Walker gave an overview of the item request for Guards residence on land 120 to 130 acres in size. Accessible off of Solomon Lane near new fire station. Proposed location of mfgd home would be concrete pad located on piece of land. Purpose is land owner cna proceed with development of undeveloped portion of 130 acres piece. proceed with development of property and be on site. Put into draft resolution some assurances with Mr. Isbell and he concurred would like to insert some evidence of proceeding with platting of property that a sketch plan that would begin platting process be submitted within a couple of months within placemen tof guards home and 6 months prel plat to P&z for approval. Lastly itme saying mfgd home must be removed prior to final inspection of any houses. With those suggestions in place rec in favor of 2 year period of placement of mfgd home. no LOJ.

Mayor Perry opened the public hearing at 12:03 p.m.

Max Richard 110 W Louisiana, been engaged to provide info desired. Here to reconsider time frames. Presently working with oil co for a drill site in the 103 acres and a multi fmaily development. final configuration of where they want has not been determined and 2 month for sketch plan and 6 month for prel plat makes difficult. willing to do this but time restrains. Would like 6months for sketch and 1 year for preliminary. 2b / 2c. Just make it a year for everything.   Dufford if nothign happened in year won't grant another year.

There being no one else wishing to speak, the public hearing was closed at 12:05 p.m.

Council Member Hailey moved to adopt Resolution No. 2012 - 440 with revision to allow 12 months only and remove Section 2 b and 2c; seconded by Council Member Morales.

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

MISCELLANOUS

38. Approved a resolution approving the issuance of a permit to Linn Operating, Inc. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Robbie 24D) located 262 feet from the north line and 467 feet from the west line located in Section 24, Block 40, T-1-S, T&P RR Co., Survey, City and County of Midland, Texas. (Generally located on the east side of Avalon Drive, approximately 250 feet south of the extension of Mockingbird Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2012 - 441

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO LINN OPERATING, INC. (“OPERATOR”) TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 262 FEET FROM THE NORTH LINE AND 467 FEET FROM THE WEST LINE, SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF AVALON DRIVE, APPROXIMATELY 250 FEET SOUTH OF THE EXTENSION OF MOCKINGBIRD LANE); PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT; AND APPROVING VARIANCES

Ron Jenkins no LOJ received, has been reviewed by O&G, rec clar of svcs map and var of 495. ?? Linn req variance for office out of City Limits.   Trost the variance for occupied structure? Ron Oil Field supply ??? Trost have extention for adding another well to the existing 25,000. this is the 8th well.

Council Member Hailey moved to adopt Resolution No. 2012 - 441; seconded by Council Member Sparks.

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

39. Consider a request for a motion regarding an interpretation of a note on a proposed final plat Greathouse Addition, Section 9 (Generally located on the northwest corner of the intersection of Briarwood Avenue and Mathis Street). (DEVELOPMENT SERVICES)

Cameron Walker this property on north side of Briarwood oned multi family use undeveloped. CRMWD water line runs through it. Request is to hear and interpret note palced on final plat in City possession to be filed to essence of not and what is says. Exhibit B.

Wes Strain 3805 Northfield, covenants refer only to residence. Zoned for apartments multi fmaily run into cannot get title insurance on property because of previous error. This is solution to solve tha tproblem.

Morales just an error in language is all. james in situation like this are residents of Great House notified? If not notified and bought house with notion that everything a certain way. Is change signiicant enough to wonder if were always going to have multi-family. If bought house with notion of no apt and now there will be but I wan't notified would be mad on a few fronts. Wes that is why brought up always zoned for multi family.

Council Member Morales moved to approve a request for a motion regarding an interpretation of a note on a proposed final plat Greathouse Addition, Section 9 (Generally located on the northwest corner of the intersection of Briarwood Avenue and Mathis Street).; seconded by Council Member Dufford.

Trost want to ask Mr. Stretcher last setence an interpret is needed from Council rgarding which lang is appropriate. Stretcher seems like listening to statement what Mr. Strain's position is it is a scribblers error and always menat to be this way. Discussed was owners intent for this. Mr. Strain has requested a scriblers error for title issues. It goes back to whole issue once agian where asking to interpret plats and general ordinance because if we don't then have to go through the hwole process again. somewhere down the line you have to tell us this is as far as you want us to push this and send it back through process. Somewhere going to hit that wall. You don't go through same notice requirement swhen itnerpreting.

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

40. Approved a motion appealing the decision by the City Building Official to deny a proposed sign permit on Lot 1A, Block 1, Homestead Park Addition, Section 2, City and County of Midland, Texas. (Generally located on the northeast corner of Garfield Street and Louisiana Avenue.) (DEVELOPMENT SERVICES)

Cameron list 10:51 4 times the size of the code and 4 feet taller. In staff report recomended against request. Up on appeal.

Trost any precedent? Walker, yes. Precedent for consideration of another sign, not electronic recently placed on Basin Burger property about 3 months ago allowed for additional height because not on arterial. Zoning is downtown for basin burger. not really comperable. Under general umbrella of precedence none for electronic signs. Wes what about cuthbert? Walker permission for electronic billboard but only for advertisement of church and activities of church. The other sign is to allow for potential off premise advertising.

James question for the applicant. Justine Line JSA Architects designed addition as well as sign 1412 Ainsley. James was there any concern by hospital that changing of the LED sign might reflect into new patient rooms of tower. sparks asked president of hospital and sent him copies of renderings and he was okay. Morales on signs illumination, if need be can they be dimmed to an appropriate manner for the hospital. Justin on technical standpoint do believe that is possible. Minister of First Baptist a lot of operation of sign under his direction. Jim Coffin, 4905 San Antonio Avenue, there is code in City Ordinances that restrict signs to certain brightness. additionally you can dim and brighten LED by controla mount of power sign is using. Also pertains to concern of hospital. With respect to parking lot slights you would not feel the intensity of this sign past Michigan Street. Morales traffic on corner and causing distraction, Minister sign is designed to nto interfere with the street lights. Trost why would design sign so far out of code to begin with. Jim Coffin designed in concept and use without having read the code before hand. When presented master plan in 2011 this was dream and vision and bsed on proportion of facility. what would look and feel appropriate and were looking at other locations such as Crestview and Wagner Noel. In all honesty it wasn't brought to attention when started submitting paperwork. The Code doesn't really fit their area appropriately.

James think one of the instructive lessons neighbor owns sign company and had designed sign only to realize it didn't meet code. Not sure it's the profcessional servicces and sign companies that need to understand the rules. Somehow something is not getting rhough. golf course rd decided not to appeal. We are going to be having conversations a lot. Morales with lED coming heavy need to look at the ordinance. Trost go along with Mr. Duford, when does sign become clutter? When does it become the focus as opposed to asthetic addition. If go too far out of code inviting an awful lot more of this type of request. Until address code should stay within in.

Council Member James moved to approve a motion appealing the decision by the City Building Official to deny a proposed sign permit on Lot 1A, Block 1, Homestead Park Addition, Section 2, City and County of Midland, Texas. (Generally located on the northeast corner of Garfield Street and Louisiana Avenue.); seconded by Council Member Sparks.

Bob Oaks Sr. Pstor 5707 Los Patios Drive, Mr. Mayor appreciate hearing and won't be selling anything on sign. ONly used for info about church activities and encouragement to people who drive area. There is not a home within 200 feet with exception of Garfield/Louisian. Will be used in good taste to match building.

Mayor confirmed if approved can build sing.

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

41. Approved a motion interpreting Chapter 11-7a Revised Outdoor Sign Regulations regarding the use of advertising on EZ Rider transportation shelters in all zoning districts. (DEVELOPMENT SERVICES)

Nichols follow up to briefing . Staff interpreted what heard and tried to put together criteria for when where and how adv signage would be appropriate. Appropriate to ensure whatever signage allowed fits in overall scheme of city.

Walker provided with one page memo suggesting what to consider. Signs in public ROW is prohibited. There is a permission in the C-1 for trnasportation director to authorize on street signage in only tha tdistrict. The EZ Rider would like to have shelters revenue generating signs located on shelters. first pref is to be in C-1 but would laso like cons and itnerpretation weatehr could put in other protions or other zones throughout the City. If to go along with EZ Rider request that any such signs not located inr esidential or adjacent to residential or anys ign shall not exceed 4 feet above grade and may face inside or outside and EZ Rider respo for all content.

James hwo many bus shelters with first kind of exclusion are left res or adj to res areas. Cameron do not have a map fi another question cna see if can find it.

Suggested made that could be done for 2 years and then reassess. James if enter into a contract with business and then Council says no more then it creates a problem with EZ Rider. Stretcher can tell EZ Rider can enter for 2 years but over it. Cameron can not find ont his machine. The number 38 comes to mind. How do you define adjacent. Look to staff for what acceptable distance as to what Council considers adjacent. Suggested that MOUTD should decide which ones get them. Okay if gave no residential streets.Courtney let staff come back to show osme of the questionable areas and Council cna interpret and have a definaate map to give to EZ Rider. James moving on from that 4 foot high above grade is a 3 foot sign. Recommends changing to 5 ot 6 feet above grade.

Jim suggest in addition to map develop criteria to know when and where signs will be allowed. James pref that Council is okay that work with staff so not making sausage here. . councensus received.

James/sparks defer to Janu 8 7-0.

42. Consider an ordinance designating the I-20 Wildlife Preserve as parkland and establishing Title IX "Public Ways and Property," Chapter 5 "Parks and Playgrounds," Section 18 "Hours of Use of Public Parks," Subsection C of the City Code of Midland, Texas (COMMUNITY SERVICES)

ORDINANCE NO. 9098

AN ORDINANCE DESIGNATING THE I-20 WILDLIFE PRESERVE AS PARKLAND; AMENDING TITLE IX, "PUBLIC WAYS AND PROPERTY", CHAPTER 5, "PARKS AND PLAYGROUNDS", SECTION 18, "HOURS OF USE OF PUBLIC PARKS", ESTABLISHING SUBSECTION (C) OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO ESTABLISH PROVISIONS CONCERNING HOURS OF USE AND RULES AND REGULATIONS FOR THE I-20 WILDLIFE PRESERVE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS ($500.00); AND ORDERING PUBLICATION

Tina does not affect James Bradford Park.

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

9098 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

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

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

James / Dufford Linke Grimes to Tirz as City appointee and accept Isabell Blanchard for Pecos on PBAB / Dufford 7-0

College and County for TIRZ accepted.

EXECUTIVE SESSION

Mayor noted will go to executive session and adjourn from downstairs.

recess at 12:39 a.m.

Trost would like to acknowledge Miss Vicky Hailey for 9 years dedicated service to her District. She has been a great mentor to everyone.

44. 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 551.071 Consultation with the City Attorney

a.1. Discuss with the City Attorney contemplated litigation and legal issues involved in litigation styled Richard Sanchez, Heather Sanchez, Todd King and Laci King v. Union Pacific Railroad, Inc., and Smith Industries, Inc., in a State District Court in Midland County, Texas.

a.2. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

b. Section 551.072 Deliberation Regarding Real Property.

b.1. Discuss the purchase, exchange, lease or value of real property described as Block 55, Original Town Addition, Midland, Midland County, Texas.

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