

**MIDLAND CITY COUNCIL
MINUTES
JUNE 22, 2010**

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:02 a.m., June 22, 2010.

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

Council Members absent: Council Member Scott Dufford (At-Large),

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

MISCELLANEOUS

1. The invocation was voiced by Father Frank Chavez of Our Lady of San Juan Church.
2. The Pledge of Allegiance to the Flag was stated.
3. Presentation of special events, organizations, individuals, or periods of time.

Mayor Perry recognized members of Boy Scout Troop #152 who were present.

PUBLIC COMMENT

4. Mayor Perry opened the floor for public comments to allow individuals to address the City Council on city-related issues and projects.

Barbara B. Yarbrough, 1601 E. Hickory, expressed concern about street lights that are not working.

There were no other requests by citizens to speak.

CONSENT AGENDA

Mayor Pro Tem James moved to approve Consent Agenda items 5-6, 8-9, 12-17, and 19; seconded by Council Member Morales. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

5. Approved the minutes of the regular City Council meeting of June 8, 2010.
6. Adopted Resolution No. 2010-152. Caption of said resolution is as follows:

RESOLUTION NO. 2010-152

A RESOLUTION AUTHORIZING THE PURCHASE OF A TRAILER-MOUNTED VALVE EXERCISER FROM E. H. WACHS COMPANY, AT A TOTAL COST OF \$72,296.84.

8. Adopted Resolution No. 2010-153. Caption of said resolution is as follows:

RESOLUTION NO. 2010-153

A RESOLUTION APPROVING THE PURCHASE OF THREE (3) 12 - 14 CUBIC YARD DUMP BODIES FROM FABCO INDUSTRIES, OF ODESSA, TEXAS, AND ONE (1) 1-TON UTILITY BODY FROM J&B TRAILERS, OF ODESSA, TEXAS, AT A TOTAL COST OF \$71,211.00.

9. Adopted Resolution No. 2010-154. Caption of said resolution is as follows:

RESOLUTION NO. 2010-154

A RESOLUTION APPROVING THE PURCHASE OF IN-CAR VIDEO EQUIPMENT FOR THE MIDLAND POLICE DEPARTMENT FROM INSIGHT PUBLIC SECTOR SLED FOR \$190,953.36 THROUGH THE TEXAS MULTIPLE AWARD SCHEDULE PURCHASING PROGRAM; AND ACCEPTING THE CITY MANAGER'S RECOMMENDATION THAT SAID IN-CAR VIDEO EQUIPMENT IS PROPRIETARY IN NATURE AND AVAILABLE ONLY FROM A SOLE SOURCE.

12. Approved a request by Bradshaw and Associates, Inc. for Windridge Addition, to approve a deferral of water and sewer and street paving with curb and gutter, and to waive the associated public improvement guarantee. The subdivision is generally located in our ETJ on S. County Road 1120. Total value of deferrals is \$845,000.

13. Adopted Resolution No. 2010-155. Caption of said resolution is as follows:

RESOLUTION NO. 2010-155

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH ARCADIS U.S., INCORPORATED; AND APPROPRIATING \$419,800.00 THEREFOR; THE ORIGINAL AGREEMENT WAS FOR \$175,800.00; THIS AMENDMENT WILL BRING THE TOTAL AGREEMENT PRICE TO \$595,600.00.

14. Adopted Resolution No. 2010-156. Caption of said resolution is as follows:

RESOLUTION NO. 2010-156

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE EXISTING RIGHT-OF-WAY AGREEMENT WITH TEPPCO CRUDE PIPELINE L.L.C., NOW KNOWN AS ENTERPRISE CRUDE PIPELINE, L.L.C.; THIS AMENDMENT WILL ALTER THE ROUTE OF THE UNDERGROUND PIPELINE.

15. Adopted Resolution No. 2010-157. Caption of said resolution is as follows:

RESOLUTION NO. 2010-157

A RESOLUTION AUTHORIZING THE EXECUTION OF A DISCHARGE LICENSE AGREEMENT WITH GRIMES & ASSOCIATES, CONSULTING ENGINEERS, L.P., FOR THE DISPOSAL OF TREATED WASTEWATER AT 600 NORTH CARVER STREET.

16. Adopted Resolution No. 2010-158. Caption of said resolution is as follows:

RESOLUTION NO. 2010-158

A RESOLUTION AUTHORIZING THE EXECUTION OF A DISCHARGE LICENSE AGREEMENT WITH GRIMES & ASSOCIATES, CONSULTING ENGINEERS, L.P., FOR THE DISPOSAL OF TREATED WASTEWATER AT 10400 WEST INTERSTATE HIGHWAY 20.

17. Adopted Resolution No. 2010-159. Caption of said resolution is as follows:

RESOLUTION NO. 2010-159

A RESOLUTION AUTHORIZING THE EXECUTION OF A DISCHARGE LICENSE AGREEMENT WITH GRIMES & ASSOCIATES, CONSULTING ENGINEERS, L.P., FOR THE DISPOSAL OF TREATED WASTEWATER AT 3910 TEXAS FARM TO MARKET HIGHWAY 1788.

19. Adopted Resolution No. 2010-160. Caption of said resolution is as follows:

RESOLUTION NO. 2010-160

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY WITH THE STATE OF TEXAS FOR USE OF A STATE-OWNED HIGHWAY, INCLUDING SPUR 269 BETWEEN MAIN STREET AND LORAIN STREET, FOR THE PURPOSE OF THE OUR LADY OF SAN JUAN CATHOLIC CHURCH ANNUAL FAIR SPECIAL EVENT.

7. Parks & Recreation Manager Swigert answered questions noting that the bids are for playground equipment and park renovations.

Council Member Trost moved to approve Resolution No. 2010-161; seconded by Council Member Morales. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford. Caption of said resolution is as follows:

RESOLUTION NO. 2010-161

A RESOLUTION APPROVING THE PURCHASE OF PLAYGROUND EQUIPMENT FOR HALFF PARK, RATLIFF PARK, AND TAYLOR PARK, FROM PLAYWELL GROUP, INCORPORATED, AT A TOTAL COST OF \$201,300.00; NOT ALL BIDS

WERE THE LOW BIDS; AND REJECTING ALL BIDS RECEIVED FOR THE SUPPLY AND INSTALLATION OF A PAVILION.

10. Community Services Director Burke responded to questions, noting that the lease is for five years with an option for an additional five years and is only for the rental of the building.

Council Member Trost moved to approve Resolution No. 2010-162; seconded by Council Member Hailey. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford. Caption of said resolution is as follows:

RESOLUTION NO. 2010-162

A RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE BOYS & GIRLS CLUB OF MIDLAND FOR THE FACILITY AT HALFF PARK.

11. Parks & Recreation Manager Swigert responded to questions noting that this item includes the renovation of the field only and that a project for other maintenance issues is currently out to bid.

Council Member Morales moved to approve Resolution No. 2010-163; seconded by Council Member Trost. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford. Caption of said resolution is as follows:

RESOLUTION NO. 2010-163

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE CITIBANK BALL PARK FIELD RENOVATION PROJECT.

18. Planning Division Manager Walker gave an overview of the item noting that the subdivision code requires City Council approval of a plat when an alley is not present.

Council Member Morales moved to approve the preliminary plat application of Heritage Oaks Addition, a 55.84-acre tract located in Section 25, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the west side of Crowley Boulevard, north of Wadley Avenue; seconded by Council Member Trost. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

DEVELOPMENT SERVICES

25. Building Official Thorpe gave an overview of the item, noting that the code review committee consisted of members of the construction community.

Interim City Secretary Turner read the caption of Ordinance No. 8805.

Council Member Morales moved approval of the first of two readings of Ordinance No. 8805 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, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford. Caption of said ordinance is as follows:

ORDINANCE NO. 8805

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 1, "BUILDING CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2009 INTERNATIONAL BUILDING CODE AS THE BUILDING CODE OF THE CITY OF MIDLAND, TEXAS, FOR THE PURPOSE OF REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, EQUIPMENT USE AND OCCUPANCY, LOCATION, MAINTENANCE, REMOVAL AND DEMOLITION OF BUILDINGS AND STRUCTURES OR ANY APPURTENANCE CONNECTED OR ATTACHED TO SUCH BUILDING OR STRUCTURE; PROVIDING FOR THE INSPECTION OF SAID BUILDINGS OR STRUCTURES, PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE CONSTRUCTION, ALTERATION, REPAIR, EQUIPMENT, USE AND OCCUPANCY, REMOVAL AND DEMOLITION OF SAID BUILDINGS OR STRUCTURES AND COLLECTION OF INSPECTION FEES THEREFOR; ESTABLISHING MINIMUM FLOOR ELEVATIONS FOR CERTAIN STRUCTURES; REQUIRING CASH DEPOSITS TO INSURE SITE CLEARANCE AFTER REMOVAL OR

DEMOLITION OF STRUCTURES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM FINE OR PENALTY OF TWO THOUSAND(\$2000.00) DOLLARS; ORDERING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE OF SEPTEMBER 1, 2010.

26. Interim City Secretary Turner read the caption of Ordinance No. 8806.

Council Member Morales moved approval of the first of two readings of Ordinance No. 8806 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford. Caption of said ordinance is as follows:

ORDINANCE NO. 8806

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 10, "MECHANICAL CODE", OF THE CITY CODE OF MIDLAND, TEXAS, AND ADOPTING THE 2009 INTERNATIONAL MECHANICAL CODE AS THE MECHANICAL CODE OF THE CITY OF MIDLAND FOR THE PURPOSE OF PROVIDING MINIMUM STANDARDS, PROVISIONS AND REQUIREMENTS FOR SAFE INSTALLATION AND MAINTENANCE OF MECHANICAL SYSTEMS WITHIN THE CORPORATE LIMITS OF THE CITY OF MIDLAND, TEXAS; PROVIDING FOR THE INSPECTION OF SAID MECHANICAL SYSTEMS; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE INSTALLATION OF SAID MECHANICAL SYSTEMS AND THE COLLECTION OF INSPECTION FEES THEREFOR; PROVIDING FOR APPEALS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2000.00); ESTABLISHING AN EFFECTIVE DATE OF SEPTEMBER 1, 2010; AND ORDERING PUBLICATION.

27. Building Official Thorpe gave an overview of the item noting that the Ordinance includes a fee escalator.

Interim City Secretary Turner read the caption of Ordinance No. 8807.

Council Member Morales moved approval of the first of two readings of Ordinance No. 8807 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, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford. Caption of said ordinance is as follows:

ORDINANCE NO. 8807

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 1, "BUILDING CODE", SECTION 9, "STREET IMPROVEMENT FEE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, ALLOWING FOR THE COLLECTION OF A FEE WHEN A BUILDING PERMIT IS ISSUED BY THE CITY; SAID FUND AND FEE BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; CONTAINING A FEE ESCALATION CLAUSE; ESTABLISHING AN EFFECTIVE DATE OF SEPTEMBER 1, 2010; PROVIDING AN APPEAL PROCESS; AND ORDERING PUBLICATION.

PUBLIC HEARINGS

20. Planning Division Manager Walker gave an overview of the item.

Mayor Perry opened the public hearing at 10:35 a.m.

Drew Wegman, 3214 Ranchland Drive, representing Betenbough Homes, noted that Betenbough Homes would be developing the residential portion and SBC would be developing the office portion of the land.

There being no one else present wishing to speak, the public hearing was closed at 10:36 a.m.

Interim City Secretary Turner read the caption of Ordinance No. 8808.

Council Member Morales moved approval of the first of two readings of Ordinance No. 8808 in accordance with the Charter of the City of Midland; seconded by Council

Member Sparks. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford. Caption of said ordinance is as follows:

ORDINANCE NO. 8808

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 79.808-ACRE TRACT OF LAND OUT OF SECTION 37, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF (GENERALLY LOCATED ON THE WEST SIDE OF TRADEWINDS BOULEVARD, WEST OF THE SCHARBAUER SPORTS COMPLEX); AND APPROVING A PUBLIC SERVICE PLAN.

21. Planning Division Manager Walker gave an overview of the item.

Mayor Perry opened the public hearing at 10:40 a.m.

Gary Vandergriff, Vandergriff Architects, noted that a sketch plan of the future Midland Tennis Center will be presented in the future.

There being no one else present wishing to speak, the public hearing was closed at 10:41 a.m.

Interim City Secretary Turner read the caption of Ordinance No. 8809.

Council Member Morales moved approval of the first of two readings of Ordinance No. 8809 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, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford. Caption of said ordinance is as follows:

ORDINANCE NO. 8809

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 27.04-ACRE TRACT OF LAND OUT OF SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, WEST OF HOLIDAY HILL ROAD); AND APPROVING A PUBLIC SERVICE PLAN.

22. Planning Division Manager Walker gave an overview noting that no letters of objection were received.

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

Drew Wegman, 3214 Ranchland, noted that he was available for questions.

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

Interim City Secretary Turner read the caption of Ordinance No. 8810.

Council Member Morales moved approval of the first of two readings of Ordinance No. 8810 in accordance with the Charter of the City of Midland; seconded by Mayor Pro Tem James. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford. Caption of said ordinance is as follows:

ORDINANCE NO. 8810

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 71.44-ACRE TRACT OF LAND OUT OF SECTION 37, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS ("TRACT 1A"), AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF, AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 3.325-ACRE TRACT OF LAND OUT OF SECTION 37, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS ("TRACT 1B"), AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION TWO HEREOF, AS AN O-1, OFFICE DISTRICT; ESTABLISHING THE

ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 5.139-ACRE TRACT OF LAND OUT OF SECTION 37, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS ("TRACT 1C"), AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION THREE HEREOF, AS AN O-1, OFFICE DISTRICT; SAID TRACTS ARE GENERALLY LOCATED ON THE WEST SIDE OF TRADEWINDS BOULEVARD, WEST OF THE SCHARBAUER SPORTS COMPLEX; 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.

23. Planning Division Manager Walker gave an overview of the item noting that no letters of opposition had been received.

Mayor Perry opened the public hearing at 10:48 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Interim City Secretary Turner read the caption of Ordinance No. 8811.

Council Member Morales moved approval of the first of two readings of Ordinance No. 8811 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford. Caption of said ordinance is as follows:

ORDINANCE NO. 8811

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 27.04-ACRE TRACT OF LAND OUT OF SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN SECTION ONE HEREOF, AS AN FD, FUTURE DEVELOPMENT DISTRICT; SAID TRACT IS GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, WEST OF HOLIDAY HILL ROAD; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION.

24. Planning Division Manager Walker gave an overview noting that two letters of opposition had been received.

Mayor Perry opened the public hearing at 10:57 a.m.

David Garcia, 3210 Stanolind Avenue, on behalf of St. Ann's Church, noted that the church has been working diligently on the project and that they view it as a win/win situation. He further noted that access for emergency vehicles will be improved.

There being no one else present wishing to speak, the public hearing was closed at 10:59 a.m.

Interim City Secretary Turner read the caption of Ordinance No. 8812.

Council Member Morales moved approval of the first of two readings of Ordinance No. 8812 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, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford. Caption of said ordinance is as follows:

ORDINANCE NO. 8812

AN ORDINANCE VACATING AND ABANDONING AN EAST/WEST ALLEY ADJACENT TO LOTS 1-12, BLOCK 71, AN EAST/WEST ALLEY ADJACENT TO LOTS 1-12, BLOCK 72, AND AN 18,720 SQUARE FOOT NORTH/SOUTH GENERAL UTILITY AND DRAINAGE EASEMENT BETWEEN BLOCKS 71 AND 72, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED BETWEEN WEST ILLINOIS AVENUE AND WEST TEXAS AVENUE, EAST OF NORTH "O" STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$15,360.00; RETAINING A TWENTY (20) FOOT GENERAL UTILITY AND DRAINAGE EASEMENT; AND ORDERING RECORDATION BY THE INTERIM CITY SECRETARY.

MISCELLANEOUS

28. Planning Division Manager Walker gave an overview of the item noting that the owner of the property was present and available for questions.

Council Member Morales made a motion to amend the conditions contained in the approved Resolutions 2009-183 through 186 regarding four oil and gas drill sites located in Section 13, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the west side of Holiday Hill Road across from the Green Tree neighborhood); seconded by Council Member Sparks. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

30. Interim City Secretary Turner read the caption of Ordinance No. 8813.

Mayor Pro Tem James moved approval of the first of two readings of Ordinance No. 8813 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

Following discussion, Council Member Hailey moved to appoint a task force to study the issue. Due to a lack of a second, the motion died.

Following discussion, Council Member Sparks moved to amend the Ordinance, to extend the second reading of the Ordinance to a minimum of 90 days; seconded by Council Member Hailey. The motion failed by the following vote: AYE: Hailey, Perry, and Sparks. NAY: Morales, Trost, and James. ABSTAIN: None. ABSENT: Dufford.

Mayor Pro Tem James amended his previous motion to include a public meeting to receive input from the public before the final passage and adoption of the Ordinance; Council Member Morales agreed to amend the motion.

The motion, as amended, carried by the following vote: AYE: Morales, Trost, Perry, and James. NAY: Hailey, and Sparks. ABSTAIN: None. ABSENT: Dufford. Caption of said ordinance is as follows:

ORDINANCE NO. 8813

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER 13, "PARKING PROHIBITED", SECTION 5, "PARKING IN RESIDENCE DISTRICTS", SUBSECTION (G), PARAGRAPH 3 OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, SO AS TO PROHIBIT VEHICULAR PARKING IN THE FRONT YARD OF ANY LOT IN A RESIDENCE DISTRICT OR ANY OTHER LOT USED FOR RESIDENTIAL PURPOSES; SAID ORDINANCE SHALL NOT BE CONSIDERED FOR FINAL PASSAGE ON SECOND READING FOR A MINIMUM OF SIXTY (60) DAYS AFTER PASSAGE ON FIRST READING; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); ESTABLISHING AN EFFECTIVE DATE OF MARCH 1, 2011; AND ORDERING PUBLICATION

31. Council Member Hailey made a motion to appoint a task force that will consider parking regulations, including but not limited to front yard parking regulations, and said task force may make recommendations to the Council regarding possible amendments to the City ordinances; seconded by Council Member Trost.

Following discussion, the motion failed by the following vote: AYE: Hailey. NAY: Morales, Trost, Perry, James and Sparks. ABSTAIN: None. ABSENT: Dufford.

29. Discuss the consent for the creation of a water control and improvement district. The name of the proposed district is Midland County Utility District. The proposed district is not in the City limits but is located in Midland County. There are approximately 14,638 individuals residing in the proposed district. The proposed district contains approximately 54,050 acres of land located in various sections and blocks, T&P RR Co. Survey, Midland County, Texas.

Susie Hitchcock-Hall, 10008 SCR 1213, noted that a group of residents in the County area had intent to form a water district.

John Carlton, 100 Congress Avenue, Suite 1300, Austin, noted he is an attorney that is working to create a water control and improvement district. He stated that county law requires the consent of the City of Midland.

John Landgraf, 521 N. Texas, Odessa, noted that he has completed a preliminary engineering report and explained more about the proposed phases of the project noting

it would take approximately seven years to build out if the project is broken into five construction periods.

A concern was raised about future annexation possibilities. City Attorney Stretcher noted that the main limitation would be that once the district has issued debt, a portion of the district could not be annexed into the City.

The City Council directed the group to work with the City Manager's office.

32. Consideration of appointments to various Boards and Commissions.

No appointments were made.

RECESS/EXECUTIVE SESSION

33. Mayor Perry announced that the meeting would be recessed to the conference room for lunch.

34. Mayor Perry announced that pursuant to Texas Government Code Section 551.101, the Council would now hold an Executive Session, closed to the public, to discuss the following matters as permitted under the following Texas Government Code Sections:

Section 551.087 - Deliberation Regarding Economic Development Negotiation

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.

Mayor Perry recessed the meeting to Executive Session at 12:42 p.m.

All of the business at hand having been completed, the meeting adjourned at 2:00 p.m.

PASSED AND APPROVED the 13th day of July, 2010.

W. Wesley Perry, Mayor

ATTEST:

Amy M. Turner, Interim City Secretary