

**MIDLAND CITY COUNCIL
MINUTES
JULY 13, 2010**

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:06 a.m. on July 13, 2010.

Council Members present: Mayor W. Wesley Perry, Mayor Pro Tem John James (District 3), Council Member Scott Dufford (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 Jerry Morales (At-Large). (Morales arrived at 9:09 a.m.)

Staff members present: City Manager Courtney Sharp, City Attorney Keith Stretcher, Deputy City Manager Tommy Hudson, Assistant City Manager Marcus Johnston, Interim City Secretary Amy Turner, Development Services Director Rick Crownover, Planning Division Manager Cameron Walker, Building Official Steve Thorpe, GIS Manager Bill Hodge, and City Engineer Rene Franks.

BRIEFING SESSION

1. Receive and discuss an update from McDonald Transit Associates, Inc. on operations of the Midland Odessa Urban Transit District (EZ Rider).

Mayor Pro Tem James introduced John Wilson, Chris Mandrell, and Karen York, noting that they would present the EZ Rider annual report and answer questions.

John Wilson of McDonald Transit introduced EZ Rider's new General Manager, Chris Mandrell. Mr. Mandrell introduced himself, and gave the annual report noting that ridership is up 15 ½ percent. He also addressed finances, funding sources, matching grants, and marketing.

2. Discussion and direction on the Stormwater Fee.

City Engineer Franks reviewed a PowerPoint presentation regarding the stormwater management program and potential fee structures.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 10:01 a.m.

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:07 a.m., July 13, 2010.

Council Members present: Mayor W. Wesley Perry, Mayor Pro Tem John James (District 3), Council Member Scott Dufford (At-Large), 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).

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 Reverend Larry Long of Fellowship Community Church.
2. The Pledge of Allegiance to the Flag was stated.
3. Presentation of special events, organizations, individuals, or periods of time.
 - a. Presentation of a Proclamation for Parks and Recreation Month.

Council Members Trost and Morales presented the proclamation to members of the Parks and Recreation Department.

- b. Special Recognition to Shona Bohon for receiving the Texas Municipal Courts Association Clerk of the Year Award.

Mayor Perry recognized Shona Bohan.

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.

Mayor Perry recognized members of the Boy Scouts Troop present.

Dr. Ryder Warren, Superintendent of Midland Independent School District, introduced himself and noted he was looking forward to an ongoing relationship with the City to bring the best services to the students of Midland.

Willie Barber, 1305 Chestnut, expressed concern about the proposed front yard parking ordinance.

Bill Bankston, 1308 W Kentucky, expressed concern regarding speeding drivers, suggested that all speed limits be lowered by 5 miles per hour, requested a ban on handheld cell phones, and requested more police presence on major streets.

Keith Bracewell, 1304 Pueblo, expressed dissatisfaction with EZ Rider bus services noting that he felt it was an unnecessary service.

There were no other requests by citizens to speak.

CONSENT AGENDA

Council Member James moved to approve Consent Agenda items 5b, 8-9, 11-15, and 17; seconded by Council Member Trost. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, Dufford, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

- 5b. Approved the minutes of the special City Council meeting of July 6, 2010.
- 8. Adopted Resolution No. 2010-164. Caption of said resolution is as follows:

RESOLUTION NO. 2010-164

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS PREPARED BY PARKHILL, SMITH AND COOPER, INCORPORATED, AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE CITY OF MIDLAND PROJECT DESCRIBED AS NORTHWEST TAXIWAY EXTENSION PROJECT (7004) AT THE MIDLAND INTERNATIONAL AIRPORT.

- 9. Adopted Resolution No. 2010-165. Caption of said resolution is as follows:

RESOLUTION NO. 2010-165

A RESOLUTION AUTHORIZING THE RELEASE OF EXPIRING 2007 FEDERAL AVIATION ADMINISTRATION NON-PRIMARY ENTITLEMENT FUNDS FOR THE MIDLAND AIRPARK; SAID RELEASE OF THESE FUNDS DOES NOT PRECLUDE THE CITY FROM REQUESTING A FUTURE GRANT FOR MIDLAND AIRPARK'S DEVELOPMENT NEEDS.

- 11. Adopted Resolution No. 2010-166. Caption of said resolution is as follows:

RESOLUTION NO. 2010-166

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT FUNDS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES IN THE AMOUNT OF \$78,076.00 TO ASSIST THE HEALTH AND SENIOR SERVICE DIVISION WITH THE DELIVERY OF LOCAL PUBLIC HEALTH SERVICES; AND AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS.

- 12. Adopted Resolution No. 2010-167. Caption of said resolution is as follows:

RESOLUTION NO. 2010-167

A RESOLUTION AUTHORIZING THE EXECUTION OF A DISCRETIONARY SERVICE

AGREEMENT WITH ONCOR ELECTRIC DELIVERY COMPANY LLC FOR THE RELOCATION OF CERTAIN FACILITIES AS PART OF THE JAL DRAW CHANNEL LINING PROJECT; AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$47,952.72.

13. Adopted Resolution No. 2010-168. Caption of said resolution is as follows:

RESOLUTION NO. 2010-168

A RESOLUTION AUTHORIZING THE EXECUTION OF A DRAINAGE OBLIGATION AGREEMENT WITH M. JACKSON CONSTRUCTION 1, LTD. FOR PARTICIPATION IN REGIONAL DRAINAGE IMPROVEMENTS; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE.

14. Adopted Resolution No. 2010-169. Caption of said resolution is as follows:

RESOLUTION NO. 2010-169

A RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH SSTS, LLC FOR DEVELOPMENT OF PATEL ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT SOUTH TERRELL STREET AND INTERSTATE 20); AND APPROPRIATING FUNDS IN THE AMOUNT OF \$88,305 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE.

15. Adopted Resolution No. 2010-170. Caption of said resolution is as follows:

RESOLUTION NO. 2010-170

A RESOLUTION AUTHORIZING THE PURCHASE OF RIGHT-OF-WAY ALONG LAMESA ROAD FROM DORMARD AVENUE TO GOLF COURSE ROAD FOR SIDEWALK CONSTRUCTION AND CONSTRUCTION OF A LEFT TURN LANE AT SCHARBAUER DRIVE AND LAMESA ROAD; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY FOR THE PURCHASE OF SAID PROPERTY; AND AUTHORIZING PAYMENT THEREFOR.

17. Adopted Resolution No. 2010-171. Caption of said resolution is as follows:

RESOLUTION NO. 2010-171

A RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT OF WAY LICENSE WITH SPRINT COMMUNICATIONS COMPANY L.P, A DELAWARE LIMITED PARTNERSHIP FOR THE PURPOSE OF CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND EXPANDING A FIBER OPTIC CABLE SYSTEM FOR LONG DISTANCE SERVICE ONLY WITHIN THE CITY OF MIDLAND; LOCATED WITHIN A PORTION OF FAIRGROUNDS ROAD AND ALLEY RIGHT-OF-WAY BEGINNING NORTH OF BUSINESS INTERSTATE 20 AND CONTINUING TO A POINT SOUTH OF THE UNION PACIFIC RAILROAD TRACKS.

- 5a. Council Member Sparks moved to amend the minutes on page seven, item 31 to reflect that the only person voting AYE was Council Member Hailey; seconded by Council Member Trost. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, and Sparks. NAY: None. ABSTAIN: Dufford. ABSENT: None.

Council Member Morales moved to approve the minutes of the regular City Council meeting of June 22, 2010, as amended; seconded by Council Member Trost. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, and Sparks. NAY: None. ABSTAIN: Dufford. ABSENT: None.

6. Facilities and Fleet Management Director Phillips answered questions about the life span of equipment.

Council Member Trost moved to adopt Resolution No. 2010-172; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Trost, Hailey, Perry, Dufford, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: Morales. Caption of said resolution is as follows:

RESOLUTION NO. 2010-172

A RESOLUTION APPROVING THE PURCHASE OF A USED SCRAPER, FOR USE AT THE CITY OF MIDLAND LANDFILL, FROM WARREN CAT, OF MIDLAND, TEXAS, AT A TOTAL COST OF \$395,000.00; WARREN CAT WAS NOT THE LOW BIDDER.

7. Facilities and Fleet Management Director Phillips answered questions about the bid process.

Council Member Trost moved to adopt Resolution No. 2010-173; seconded by Council Member Morales. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, Dufford, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: None. Caption of said resolution is as follows:

RESOLUTION NO. 2010-173

A RESOLUTION APPROVING THE PURCHASE OF FIVE (5) TANDEM AXLE CAB AND CHASSIS TRUCKS AND ONE (1) SINGLE AXLE CAB AND CHASSIS TRUCK, FOR USE BY THE SOLID WASTE, TRANSPORTATION AND WATER AND WASTE WATER DIVISIONS, FROM MHC KENWORTH, OF ODESSA, TEXAS, AT A TOTAL COST OF \$553,620.00; MHC KENWORTH WAS NOT THE LOW BIDDER.

10. Community Services Director Burke answered questions about the Request for Proposals and how the marketing is handled presently.

Mayor Pro Tem James moved to adopt Resolution No. 2010-174; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, Dufford, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: None. Caption of said resolution is as follows:

RESOLUTION NO. 2010-174

A RESOLUTION AUTHORIZING ADVERTISEMENT FOR REQUEST FOR PROPOSALS FOR MARKETING, PROMOTION AND MANAGEMENT OF THE SCHARBAUER SPORTS COMPLEX.

16. City Engineer Franks answered questions about funding sources and developer participation.

Council Member Sparks requested Patrick Cordero to speak.

Patrick Cordero, representing the Midland Community Development Corporation, gave an overview of their program noting that this project is a pilot program and that they are non-profit builders.

Council Member Morales moved to adopt Resolution No. 2010-175; seconded by Council Member Hailey. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, Dufford, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: None. Caption of said resolution is as follows:

RESOLUTION NO. 2010-175

A RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH THE MIDLAND COMMUNITY DEVELOPMENT CORPORATION ("MCDC") FOR DEVELOPMENT OF LYNDSIDE NEIGHBORHOOD ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON CARVER STREET, SOUTH OF SCHARBAUER DRIVE); AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$25,000 THEREFOR (THE TOTAL ESTIMATED COST OF THE IMPROVEMENTS IS \$31,703); SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE.

18. Council Member Morales moved to adopt Resolution No. 2010-176; seconded by Council Member Trost. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, and Dufford. NAY: None. ABSTAIN: James, and Sparks. ABSENT: None. Caption of said resolution is as follows:

RESOLUTION NO. 2010-176

A RESOLUTION APPROVING A SECOND AMENDMENT TO THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND TRACE ENGINES, L.P., AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE.

SECOND READINGS

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

Council Member Dufford moved to approve the second and final reading of Ordinance No. 8809 in accordance with the Charter of the City of Midland; seconded by Council Member Morales. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, Dufford, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: None. Caption of said ordinance is as follows:

ORDINANCE NO. 8809

AN ORDINANCE ON SECOND READING 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

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

Council Member Morales moved to approve the second and final reading 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, Dufford, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: None. Caption of said ordinance is as follows:

ORDINANCE NO. 8811

AN ORDINANCE ON SECOND READING 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

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

Council Member Morales moved to approve the second and final reading 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, Dufford, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: None. Caption of said ordinance is as follows:

ORDINANCE NO. 8812

AN ORDINANCE ON SECOND READING 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

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

Council Member Dufford moved to approve the second and final reading of Ordinance No. 8805 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, Dufford, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: None. Caption of said ordinance is as follows:

ORDINANCE NO. 8805

AN ORDINANCE ON SECOND READING 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

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

Council Member Morales moved to approve the second and final reading of Ordinance No. 8806 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, and Sparks. NAY: None. ABSTAIN: None. ABSENT: None. Caption of said ordinance is as follows:

ORDINANCE NO. 8806

AN ORDINANCE ON SECOND READING 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

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

Council Member Hailey moved to approve the second and final reading of Ordinance No. 8807 in accordance with the Charter of the City of Midland; seconded by Council Member Morales. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, Dufford, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: None. Caption of said ordinance is as follows:

ORDINANCE NO. 8807

AN ORDINANCE ON SECOND READING 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

25. Planning Division Manager Walker gave an overview of the item noting that no letters of objection had been received and that staff recommended approval.

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

Domingo Nunez, 6415 Fern Avenue, noted that he is a small business owner developing a small insurance office. He requested a deferral of 24 months to remove the fence along Princeton and 48-60 months to install the sidewalk in front of the vacant portion of his property.

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

Interim City Secretary Turner read the caption of Ordinance No. 8814.

Council Member Sparks moved to amend the Ordinance to allow 48 months to install the sidewalk and 24 months to remove the fence; seconded by Council Member Morales. Following discussion Council Member Sparks amended his amendment to allow 60 months to install the sidewalk. Council Member Morales agreed to the amendment. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, Dufford, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

Council Member Trost moved approval of the first of two readings of Ordinance No. 8814, as amended, 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, and Sparks. NAY: None. ABSTAIN: None. ABSENT: None. Caption of said ordinance is as follows:

ORDINANCE NO. 8814

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 5, BLOCK 1, HILLCREST ACRES, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH MIDLAND DRIVE AND PRINCETON AVENUE); SUBJECT TO THE FOLLOWING CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION.

26. Planning Division Manager Walker gave an overview of the item noting no letters of objection had been received and that the Planning and Zoning Commission recommended approval.

Mayor Perry opened the public hearing at 11:47 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. 8815.

Council Member Morales moved approval of the first of two readings of Ordinance No. 8815 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, and Sparks. NAY: None. ABSTAIN: None. ABSENT: None. Caption of said ordinance is as follows:

ORDINANCE NO. 8815

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 3, BLOCK 7, WESTRIDGE PARK ADDITION, SECTION 16, 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 SOUTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 800 FEET WEST OF TRADEWINDS 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.

27. Planning Division Manager Walker gave an overview of the item noting that one letter of objection had been received.

Mayor Perry opened the public hearing at 11:51 a.m.

Laura Novaro, 2706 Loma Drive, asked how this project would affect her property. Planning Division Manager Walker noted that the closure of the alley should have no affect on access to her block.

There being no one else present wishing to speak, the public hearing was closed at 11:53 a.m.

Interim City Secretary Turner read the caption of Ordinance No. 8816.

Council Member Morales moved approval of the first of two readings of Ordinance No. 8816 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, and Sparks. NAY: None. ABSTAIN: None. ABSENT: None. Caption of said ordinance is as follows:

ORDINANCE NO. 8816

AN ORDINANCE VACATING AND ABANDONING A 0.14-ACRE NORTH/SOUTH ALLEY ADJACENT TO LOTS 1, 2, 9, 10, THE REMAINDERS OF LOTS 3 AND 8, AND LOTS 5A AND 6A, BLOCK 13, KELVIEW HEIGHTS, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND NEELY AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$6,160.00; RETAINING A TWENTY (20) FOOT GENERAL UTILITY AND DRAINAGE EASEMENT; AND ORDERING RECORDATION BY THE INTERIM CITY SECRETARY.

DEVELOPMENT SERVICES

28. Transportation Manager Saunders gave an overview of the item.

Interim City Secretary Turner read the caption of Ordinance No. 8817.

Council Member Morales moved approval of the first of two readings of Ordinance No. 8817 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, and Sparks. NAY: None. ABSTAIN: None. ABSENT: None. Caption of said ordinance is as follows:

ORDINANCE NO. 8817

AN ORDINANCE TEMPORARILY CLOSING A PORTION OF COUNTY ROAD 77 IN THE CITY OF MIDLAND, TEXAS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION.

29. Building Official Thorpe gave an overview of the item noting that the code change committee was supportive of the fees.

Interim City Secretary Turner read the caption of Ordinance No. 8818.

Council Member Morales moved approval of the first of two readings of Ordinance No. 8818 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, and Sparks. NAY: None. ABSTAIN: None. ABSENT: None. Caption of said ordinance is as follows:

ORDINANCE NO. 8818

AN ORDINANCE ADOPTING A PERMIT FEE SCHEDULE INCREASE AS THE FEE SCHEDULE ORDINANCE OF THE CITY OF MIDLAND, TEXAS; SO AS TO INCREASE PERMIT FEES IN CONJUNCTION WITH THE ADOPTION OF THE 2009 INTERNATIONAL CODES; ADOPTING FEES FOR BUILDING PERMITS, SIDEWALK PERMITS, STREET REPAIRS, ELECTRICAL PERMITS, WATER WELL PERMITS, PLUMBING PERMITS, GAS FEE SCHEDULE, AND MECHANICAL FEE SCHEDULE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE OF SEPTEMBER 1, 2010; PROVIDING AN APPEAL PROCESS; AND ORDERING PUBLICATION.

30. Building Official Thorpe gave an overview of the item noting that the code change committee recommended approval.

Interim City Secretary Turner read the caption of Ordinance No. 8819.

Council Member Morales moved approval of the first of two readings of Ordinance No. 8819 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, and Sparks. NAY: None. ABSTAIN: None. ABSENT: None. Caption of said ordinance is as follows:

ORDINANCE NO. 8819

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 12, "ENERGY CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE AS THE ENERGY CODE FOR THE CITY OF MIDLAND, TEXAS, FOR THE PURPOSE OF REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF THE BUILDING ENVELOPE, MECHANICAL, LIGHTING AND POWER SYSTEMS; ADOPTING LOCAL AMENDMENTS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM FINE OR PENALTY OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE OF SEPTEMBER 1, 2010.

31. Building Official Thorpe gave an overview of the item noting that the code change committee recommended adoption.

Interim City Secretary Turner read the caption of Ordinance No. 8820.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 8820 in accordance with the Charter of the City of Midland; seconded by Council Member Morales. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, Dufford, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: None. Caption of said ordinance is as follows:

ORDINANCE NO. 8820

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 2, "ELECTRICAL CODE" SECTION 17, "NATIONAL ELECTRICAL CODE", SECTION 21, "CLEARANCE REQUIRED TO CONNECT OR DISCONNECT SERVICES", SECTION 22, "WIRING METHODS", SECTION 31, "RE-INSPECTIONS", AND SECTION 33, "SCHEDULE OF PERMIT FEES", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, SO AS TO MAKE A REVISION TO SECTIONS OF THE ELECTRICAL CODE OF THE CITY OF MIDLAND, TEXAS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM FINE OR PENALTY OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE OF SEPTEMBER 1, 2010.

MISCELLANEOUS

32. Consideration of appointments to various Boards and Commissions.

Mayor Perry noted that a resignation was received from Kirk Edens of the Permian Basin Community Center for Mental Health and Mental Retardation. He further recommended that the Council appoint Larry Edgerton to fill the vacant position.

Council Member Dufford nominated Larry Edgerton to the Permian Basin Community Center for Mental Health and Mental Retardation; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, Dufford, James, and Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

RECESS/EXECUTIVE SESSION

33. Mayor Perry announced that the meeting would be recessed to the Hogan Park Golf Course Grill, 3600 North Fairgrounds Road, Midland, Texas, 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:

It was noted that no items would be heard during Executive Session.

Mayor Perry recessed the meeting for lunch at 12:21 p.m.

All of the business at hand having been completed, the meeting adjourned at 1:25 p.m.

PASSED AND APPROVED the 27th day of July, 2010.

W. Wesley Perry, Mayor

ATTEST:

Amy M. Turner, Interim City Secretary