

January 26, 2010

The City Council convened in a Briefing Session in the Basement Conference Room, City Hall, Midland, Texas, at 9:30 a.m. on January 26, 2010, with the following members present:

W. Wesley Perry,
John H. James,
A. Scott Dufford,
Jerry F. Morales,
W. Jeffrey Sparks,
Vicky Hailey,

Mayor
Mayor Pro Tem
Council member - At-Large
Council member - At-Large
Council member - District 1
Council member - District 2

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Staff members present:

Courtney Sharp,
Keith Stretcher,
Tommy Hudson,
Marcus Johnston,
Kaylah McCord,
Stuart Purvis,
Tina Jauz,

City Manager
City Attorney
Deputy City Manager
Assistant City Manager
City Secretary
Director of Utilities
Assistant to the City Mgr./Public Info. Officer

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Utilities Director Stuart Purvis presented an update on water/wastewater construction projects.

Mr. Purvis outlined current projects, including the replacement of the Edgewood Booster Station, which is now complete, and the Water Purification Plant project due to be completed in May. He noted that while the latter project was largely driven by new arsenic limitations imposed by the EPA, the City is also adding finished water storage, additional capacity and pumps, a new computer control system, new sludge dewatering system, improved chemical storage/delivery system, and electrical upgrades. The appropriated funding to date for this initiative is \$21.38 million, with additional change orders expected to increase that cost by about \$300,000. In addition to these projects, the elevated two million gallon northwest storage tank is fully installed and will be filled in the next couple of weeks, improving water pressure to Green Tree and nearby areas. Finally, the Water Pollution Control Plant headworks and digester upgrade work, including replacement of pumps, digesters and electrical equipment, is expected to be completed in April.

Upcoming projects include improvements to the Paul Davis/Airport well field, including electrical and mechanical upgrades and enhanced computer controls for the Airport and Performing Arts Center systems; construction of a transmission line between the new elevated tower and the Water Purification Plant; and raw water supply improvements, including redesign of the raw water reservoir, acquisition of the Colorado River Municipal Water District's reservoir, and pump station/systems improvements. Estimated cost of the raw water project is about \$4,750,000, and Mr. Purvis indicated that they expect to request approval of plans and specifications in July. Other planned projects include installation of a satellite reuse plant to reclaim and treat 100,000 gallons of wastewater for irrigation use by Midland College; replacement of the Water Pollution Control Plant 48-inch clarifier pipe; replacement of WPCP screens and piping; rehabilitation/painting of the City's four elevated water storage towers; and ground storage tank rehabilitation. In addition, projects have been identified for rehab/replacement of about 400 manholes in the sanitary sewer system, along with replacement of old substandard water lines, which will be an ongoing effort based on funding availability.

The foregoing agenda item at the Briefing Session was discussed by the Council with no formal action taken. The Briefing Session was adjourned at 9:55 a.m.

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The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:06 a.m., January 26, 2010, with the following members present:

W. Wesley Perry,
John H. James,
A. Scott Dufford,

Mayor
Mayor Pro Tem
Council member - At-Large

Jerry F. Morales,
W. Jeffrey Sparks,
Vicky Hailey,
Michael B. Trost,

Council member - At-Large
Council member - District 1
Council member - District 2
Council member - District 4

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Staff members present at the Council Table Annex:

Courtney Sharp,
Keith Stretcher,
Tommy Hudson,
Marcus Johnston,

City Manager
City Attorney
Deputy City Manager
Assistant City Manager

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The invocation was voiced by Monsignor Larry Droll, St. Ann's Parish of Midland.

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Mayor Perry led the Pledge of Allegiance to the Flag.

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

There were no requests by citizens to speak.

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A motion was made by Council member James for the approval of the Consent Agenda, listed as Item Nos. 5a through 27, with the exception of Item No. 17, which was temporarily pulled from the agenda.

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(Consent): The minutes of the Special City Council meeting of January 11, 2010 were approved by motion as submitted.

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(Consent): The minutes of the regular City Council meeting of January 12, 2010 were approved by motion as submitted.

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(Consent): Resolution No. 2010-020 was adopted authorizing a right of way license with the City of Midland, Texas and HEP Fin-Tex/Trust-River, L.P., a Texas Limited Partnership doing business as Holly Energy Partners; in May 2009, the City Council approved the renewal of a right of way license with HEP Fin-Tex/Trust-River, L.P.; the pipeline transverses the CAF, Taxiways V, A, Runway 10, Taxiways P, B, Runway 16R and the approach end of Runway 16L at the Midland International Airport; in November 2009 a gasoline leak was detected and repaired in the above mentioned line; said right of way license is for the purpose of allowing HEP Fin-Tex/Trust-River, L.P. to drill monitor wells as required "due diligence" and by the TCEQ to test for the presence of any hydrocarbons. Caption of said resolution is as follows:

RESOLUTION NO. 2010-020
RESOLUTION AUTHORIZING A RIGHT OF WAY LICENSE WITH THE CITY OF MIDLAND, TEXAS AND HEP FIN-TEX/TRUST-RIVER, L.P., A TEXAS LIMITED PARTNERSHIP DOING BUSINESS AS HOLLY ENERGY PARTNERS; IN MAY 2009, THE CITY COUNCIL APPROVED THE RENEWAL OF A RIGHT OF WAY LICENSE WITH HEP FIN-TEX/TRUST-RIVER, L.P.; THE PIPELINE TRANSVERSES THE CAF, TAXIWAYS V,A, RUNWAY 10, TAXIWAYS P, B, RUNWAY 16R AND THE APPROACH END OF RUNWAY 16L AT THE MIDLAND INTERNATIONAL AIRPORT; IN NOVEMBER 2009 A GASOLINE

LEAK WAS DETECTED AND REPAIRED IN THE ABOVE MENTIONED LINE; SAID RIGHT OF WAY LICENSE IS FOR THE PURPOSE OF ALLOWING HEP FIN-TEX/TRUST-RIVER, L.P. TO DRILL MONITOR WELLS AS REQUIRED "DUE DILIGENCE" AND BY THE TCEQ TO TEST FOR THE PRESENCE OF ANY HYDROCARBONS

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(Consent): Resolution No. 2010-021 was adopted authorizing the execution of a sports agreement with City of Midland Aquatics, Incorporated, to administer programs, special events, and other services related to swimming in the City of Midland; the term of the agreement is from January 27, 2010, through December 31, 2010; and the contract covers the Doug Russell Pool. Caption of said resolution is as follows:

RESOLUTION NO. 2010-021
RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH THE CITY OF MIDLAND AQUATICS, INCORPORATED, TO ADMINISTER PROGRAMS, SPECIAL EVENTS, AND OTHER SERVICES RELATED TO SWIMMING IN THE CITY OF MIDLAND; THE TERM OF THE AGREEMENT IS FROM JANUARY 27, 2010, THROUGH DECEMBER 31, 2010; AND THE CONTRACT COVERS THE DOUG RUSSELL POOL

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(Consent): Resolution No. 2010-022 was adopted authorizing the execution of a sports agreement with the Greater Midland Football League to administer programs, special events and services related to football. Caption of said resolution is as follows:

RESOLUTION NO. 2010-022
RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH THE GREATER MIDLAND FOOTBALL LEAGUE TO ADMINISTER PROGRAMS, SPECIAL EVENTS AND SERVICES RELATED TO FOOTBALL

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(Consent): Resolution No. 2010-023 was adopted authorizing the execution of a sports agreement with Midland Junior Baseball Association, Incorporated, to administer programs, special events and services related to baseball for men ages nineteen and younger. Caption of said resolution is as follows:

RESOLUTION NO. 2010-023
RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH MIDLAND JUNIOR BASEBALL ASSOCIATION, INCORPORATED, TO ADMINISTER PROGRAMS, SPECIAL EVENTS AND SERVICES RELATED TO BASEBALL FOR MEN AGES NINETEEN AND YOUNGER

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(Consent): Resolution No. 2010-024 was adopted authorizing the execution of a sports agreement with the Midland Mad Dog Rugby Football Club to administer programs, special events and services related to rugby; the term of the sports agreement is from January 27, 2010, to December 31, 2010. Caption of said resolution is as follows:

RESOLUTION NO. 2010-024
RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH THE MIDLAND MAD DOG RUGBY FOOTBALL CLUB TO ADMINISTER PROGRAMS, SPECIAL EVENTS AND SERVICES RELATED TO RUGBY; THE TERM OF THE SPORTS AGREEMENT IS FROM JANUARY 27, 2010, TO DECEMBER 31, 2010

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(Consent): Resolution No. 2010-025 was adopted authorizing the execution of a sports agreement with the Midland Recreational Soccer League to administer programs, special events and services related to soccer for adults ages nineteen (19) and older. Caption of said resolution is as follows:

RESOLUTION NO. 2010-025
RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS
AGREEMENT WITH THE MIDLAND RECREATIONAL SOCCER
LEAGUE TO ADMINISTER PROGRAMS, SPECIAL EVENTS
AND SERVICES RELATED TO SOCCER FOR ADULTS AGES
NINETEEN (19) AND OLDER

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(Consent): Resolution No. 2010-026 was adopted authorizing the execution of a sports agreement with Midland Soccer Association, Incorporated, to administer programs, special events and services related to soccer. Caption of said resolution is as follows:

RESOLUTION NO. 2010-026
RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS
AGREEMENT WITH MIDLAND SOCCER ASSOCIATION,
INCORPORATED, TO ADMINISTER PROGRAMS, SPECIAL
EVENTS AND SERVICES RELATED TO SOCCER

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(Consent): Resolution No. 2010-027 was adopted authorizing the execution of a sports agreement with Midland Softball Association, Incorporated, to administer programs, special events and services related to softball for adults ages fifteen (15) and older. Caption of said resolution is as follows:

RESOLUTION NO. 2010-027
RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS
AGREEMENT WITH MIDLAND SOFTBALL ASSOCIATION,
INCORPORATED, TO ADMINISTER PROGRAMS, SPECIAL
EVENTS AND SERVICES RELATED TO SOFTBALL FOR
ADULTS AGES FIFTEEN (15) AND OLDER

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(Consent): Resolution No. 2010-028 was adopted authorizing the execution of a sports agreement with Midland United Girls Softball Association, Incorporated to administer programs, special events and services related to softball for girls. Caption of said resolution is as follows:

RESOLUTION NO. 2010-028
RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS
AGREEMENT WITH MIDLAND UNITED GIRLS SOFTBALL
ASSOCIATION, INCORPORATED TO ADMINISTER
PROGRAMS, SPECIAL EVENTS AND SERVICES RELATED TO
SOFTBALL FOR GIRLS

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(Consent): Resolution No. 2010-029 was adopted authorizing the execution of a sports agreement with Permian Basin United Soccer Association, Incorporated, to administer programs, special events and services related to soccer for adults ages fifteen (15) and older. Caption of said resolution is as follows:

RESOLUTION NO. 2010-029
RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS
AGREEMENT WITH PERMIAN BASIN UNITED SOCCER
ASSOCIATION, INCORPORATED, TO ADMINISTER
PROGRAMS, SPECIAL EVENTS AND SERVICES RELATED TO
SOCCER FOR ADULTS AGES FIFTEEN (15) AND OLDER

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(Consent): Resolution No. 2010-030 was adopted authorizing the execution of a sports agreement with the Texas Cricket Club to administer programs, special events and services related to cricket. Caption of said resolution is as follows:

RESOLUTION NO. 2010-030
RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS
AGREEMENT WITH THE TEXAS CRICKET CLUB TO
ADMINISTER PROGRAMS, SPECIAL EVENTS AND SERVICES
RELATED TO CRICKET

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(Consent): Resolution No. 2010-031 was adopted authorizing the execution of a rental agreement authorizing West Texas United Soccer, L.L.C., to utilize Grande Communications Stadium for their home schedule, practices, soccer clinics and other soccer events. Caption of said resolution is as follows:

RESOLUTION NO. 2010-031
RESOLUTION AUTHORIZING THE EXECUTION OF A RENTAL
AGREEMENT AUTHORIZING WEST TEXAS UNITED SOCCER,
L.L.C., TO UTILIZE GRANDE COMMUNICATIONS STADIUM
FOR THEIR HOME SCHEDULE, PRACTICES, SOCCER
CLINICS AND OTHER SOCCER EVENTS

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(Consent): Resolution No. 2010-032 was adopted authorizing the execution of a professional services agreement with Vandergriff Group Architects, Incorporated, of Midland, Texas, for professional architectural services at the Midland Senior Center at an estimated total cost of \$24,000.00. Caption of said resolution is as follows:

RESOLUTION NO. 2010-032
RESOLUTION AUTHORIZING THE EXECUTION OF A
PROFESSIONAL SERVICES AGREEMENT WITH
VANDERGRUFF GROUP ARCHITECTS, INCORPORATED, OF
MIDLAND, TEXAS, FOR PROFESSIONAL ARCHITECTURAL
SERVICES AT THE MIDLAND SENIOR CENTER AT AN
ESTIMATED TOTAL COST OF \$24,000.00

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(Consent): Resolution No. 2010-033 was adopted establishing Project Number 8929 "Animal Shelter Security/Break Room Improvements" for upgrades to the security system and employee meeting room/break room at the City of Midland Animal Shelter Facility; and appropriating \$10,000.00 therefor. Caption of said resolution is as follows:

RESOLUTION NO. 2010-033
RESOLUTION ESTABLISHING PROJECT NUMBER 8929
"ANIMAL SHELTER SECURITY/BREAK ROOM
IMPROVEMENTS" FOR UPGRADES TO THE SECURITY
SYSTEM AND EMPLOYEE MEETING ROOM/BREAK ROOM AT
THE CITY OF MIDLAND ANIMAL SHELTER FACILITY; AND
APPROPRIATING \$10,000.00 THEREFOR

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(Consent): Resolution No. 2010-034 was adopted approving plans and specifications and authorizing advertisement for bids for the Mulberry Target Area Street and Alley Improvements Project; said project will be for the installation of curb and gutter and one alley in the target area. Caption of said resolution is as follows:

RESOLUTION NO. 2010-034
RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE
MULBERRY TARGET AREA STREET AND ALLEY
IMPROVEMENTS PROJECT; SAID PROJECT WILL BE FOR
THE INSTALLATION OF CURB AND GUTTER AND ONE ALLEY
IN THE TARGET AREA

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(Consent): Resolution No. 2010-035 was adopted approving plans and specifications and authorizing advertisement for bids for the Target Area Water and Sewer Improvements '09 Project; said project will be for the replacement and installation of water and sewer lines in the Mulberry and San Juan Target Areas. Caption of said resolution is as follows:

RESOLUTION NO. 2010-035
RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE
TARGET AREA WATER AND SEWER IMPROVEMENTS 09
PROJECT; SAID PROJECT WILL BE FOR THE REPLACEMENT
AND INSTALLATION OF WATER AND SEWER LINES IN THE
MULBERRY AND SAN JUAN TARGET AREAS

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(Consent): The Council approved a motion on a request by Schumann Engineering Co., Inc. for Country Sky Addition, Section 8, to approve a deferral of street paving with curb and gutter and sewer, to waive the associated public improvement guarantee, and to waive the requirement to install sidewalk.

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(Consent): The Council approved a motion on a request by West Company of Midland, Inc. for Capstone Business Park, Section 2, to approve a deferral of street paving with curb and gutter, and to waive the associated public improvement guarantee.

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(Consent): The Council approved a motion on a request by Schumann Engineering Co., Inc. for Ruedas Addition, to approve a deferral of street paving with curb and gutter, water and sewer, and to waive the associated public improvement guarantee.

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(Consent): Resolution No. 2010-036 was adopted ratifying the City Manager's authorization of James Hindman, Inc. to make emergency repairs to the intersection of Golf Course Road and Garfield Street; establishing the Golf Course/Garfield Storm Drain Repair Project D-47/8930; appropriating funds therefor; and authorizing payment in the amount of \$140,549.74 to James Hindman, Inc. Caption of said resolution is as follows:

RESOLUTION NO. 2010-036
RESOLUTION RATIFYING THE CITY MANAGER'S
AUTHORIZATION OF JAMES HINDMAN, INC. TO MAKE
EMERGENCY REPAIRS TO THE INTERSECTION OF GOLF
COURSE ROAD AND GARFIELD STREET; ESTABLISHING THE
GOLF COURSE/GARFIELD STORM DRAIN REPAIR PROJECT
D-47/8930; APPROPRIATING FUNDS THEREFOR; AND
AUTHORIZING PAYMENT IN THE AMOUNT OF \$140,549.74 TO
JAMES HINDMAN, INC.

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(Consent): Resolution No. 2010-037 was adopted authorizing the grant of an easement located in Section 43, Block 40, T-1-S, T&P RR Company Survey, Midland County, Texas, and located approximately two (2) miles north of the Midland International Airport, to Oncor Electric Delivery Company, L.L.C., a Delaware Limited Liability Company; said easement will allow for the installation and maintenance of certain overhead and/or underground electric supply and communications facilities, consisting of a variable number of wires and cables, supporting structures, surface mounted equipment, conduits, and all necessary or desirable appurtenances thereto; and ordering recordation by the City Secretary. Caption of said resolution is as follows:

RESOLUTION NO. 2010-037
RESOLUTION AUTHORIZING THE GRANT OF AN EASEMENT
LOCATED IN SECTION 43, BLOCK 40, T-1-S, T&P RR
COMPANY SURVEY, MIDLAND COUNTY, TEXAS, AND

LOCATED APPROXIMATELY TWO (2) MILES NORTH OF THE MIDLAND INTERNATIONAL AIRPORT, TO ONCOR ELECTRIC DELIVERY COMPANY, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, SAID EASEMENT WILL ALLOW FOR THE INSTALLATION AND MAINTENANCE OF CERTAIN OVERHEAD AND/OR UNDERGROUND ELECTRIC SUPPLY AND COMMUNICATIONS FACILITIES, CONSISTING OF A VARIABLE NUMBER OF WIRES AND CABLES, SUPPORTING STRUCTURES, SURFACE MOUNTED EQUIPMENT, CONDUITS, AND ALL NECESSARY OR DESIRABLE APPURTENANCES THERETO; AND ORDERING RECORDATION BY THE CITY SECRETARY

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The foregoing motion for the approval of the Consent Agenda was seconded by Council member Dufford, and carried by the following vote:

Council members voting "AYE": James, Dufford, Morales, Trost, Hailey, Perry and Sparks
Council members voting "NAY": None

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Consideration was given to a resolution authorizing the execution of a sports agreement with West Texas BMX to administer programs, special events and services related to BMX racing and riding.

Asked to provide further details regarding the BMX track, Parks and Recreation Manager Scott Swigert confirmed that the track is open and ready for use. Finishing touches are in progress, and the official opening is scheduled for February 13th. Mr. Swigert also reviewed a change in this and other sports agreements this year that stipulates conditions for funding requests by sports associations in connection with capital projects. Council member Morales stated that this should bring better control and understanding regarding capital projects, noting that organizations cannot simply assume that the City will provide matching funds.

Resolution No. 2010-038 was adopted authorizing execution of a sports agreement with West Texas BMX. Caption and action had on said resolution are as follows:

RESOLUTION NO. 2010-038
RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH WEST TEXAS BMX TO ADMINISTER PROGRAMS, SPECIAL EVENTS AND SERVICES RELATED TO BMX RACING AND RIDING

On motion of Council member Morales, seconded by Council member Hailey, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the 26th day of January, A.D., 2010, by the following vote:

Council members voting "AYE": Morales, Hailey, Trost, Perry, Dufford, James and Sparks
Council members voting "NAY": None

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Ordinance No. 8780 was adopted on second and final reading changing the zoning use classification of Lot 1, Block 5, Pecan Acres, Section 4, City and County of Midland, Texas (generally located on the north side of Trenton Drive, approximately 170 feet east of Trobaugh Road), which is presently zoned AE, Agriculture Estate District, by permitting said property to be used under a specific use permit without term for an accessory building to be used for living or sleeping quarters; making said permit subject to certain conditions and restrictions contained herein; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. Caption and action had on said ordinance are as follows:

ORDINANCE NO. 8780
AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF LOT 1, BLOCK 5, PECAN ACRES,

SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF TRENTON DRIVE, APPROXIMATELY 170 FEET EAST OF TROBAUGH ROAD), WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR AN ACCESSORY BUILDING TO BE USED FOR LIVING OR SLEEPING QUARTERS; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

The above and foregoing ordinance was read and finally adopted, in accordance with the Charter of the City of Midland, by the following vote upon motion of Council member Hailey, seconded by Council member Dufford, on the 26th day of January, A.D., 2010, at a regular meeting of the City Council.

Council members voting "AYE": Hailey, Dufford, Morales, Trost, Perry, James and Sparks
Council members voting "NAY": None

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Ordinance No. 8778 was adopted on second and final reading amending the Fire District so as to delete therefrom Lot 6A, Block 25, Crestgate Addition, Section 35, City and County of Midland, Texas (generally described as 3317 Caldera Boulevard); directing the Building Official to amend the Fire District Map; containing a cumulative clause; and containing a savings and severability clause. Caption and action had on said ordinance are as follows:

ORDINANCE NO. 8778
AN ORDINANCE AMENDING THE FIRE DISTRICT SO AS TO DELETE THEREFROM LOT 6A, BLOCK 25, CRESTGATE ADDITION, SECTION 35, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY DESCRIBED AS 3317 CALDERA BOULEVARD); DIRECTING THE BUILDING OFFICIAL TO AMEND THE FIRE DISTRICT MAP; CONTAINING A CUMULATIVE CLAUSE; AND CONTAINING A SAVINGS AND SEVERABILITY CLAUSE

The above and foregoing ordinance was read and finally adopted, in accordance with the Charter of the City of Midland, by the following vote upon motion of Council member Hailey, seconded by Council member Dufford, on the 26th day of January, A.D., 2010, at a regular meeting of the City Council.

Council members voting "AYE": Hailey, Dufford, Morales, Trost, Perry, James and Sparks
Council members voting "NAY": None

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Community Development Manager Sylvester Cantu presented the schedule for the 2010-2011 Community Development Block Grant program, explaining that three community meetings will be scheduled, with locations to be announced soon. Mr. Cantu advised that Midland's allocation is not yet known, although he is expecting an increase from last year, and he reviewed the purpose of the Consolidated Plan, noting that it defines our priorities and serves as a tool for allocating funds.

No action was taken on this matter.

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Consideration was given to a motion making appointments to various Boards and Commissions.

A brief discussion focused on appointments to the newly-formed Oil and Gas Advisory Committee. Upon motion by Council member Trost, seconded by Council member Dufford, the following individual was unanimously appointed to said Committee as set forth below:

OIL AND GAS ADVISORY COMMITTEE

Richard D. Dunham - appointed

Term Expires
TBD – One year term begins when appointments are completed

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Pursuant to Texas Government Code Section 551.101, Mayor Perry called an Executive Session which is closed to the public. Stating that there were no items on the agenda for such session, Mayor Perry announced that the Executive Session would not be held.

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At 10:24 a.m., Mayor Perry announced that the meeting was in recess until 11:00 a.m. After conferring with the Assistant Fire Marshal, the Mayor announced that the meeting would reconvene at Midland Center, 105 North Main Street, in order to accommodate the large number of citizens interested in the public hearing scheduled for 11:00 a.m. Mayor Perry advised that the meeting would also adjourn at that location.

Appropriate notices were posted in the City Hall lobby and entrance to the Council Chamber regarding the change of location.

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Mayor Perry reconvened the meeting at Midland Center, 105 North Main Street, at 11:01 a.m., with the same members present.

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A public hearing was held and consideration given to an ordinance vacating and abandoning a 0.038-acre portion of Northrup Drive right-of-way and a 0.024-acre portion of the north/south alley, both being adjacent to Lot 4, Block 2, Grandview, Section 4, and a 0.055-acre portion of Northrup Drive right-of-way adjacent to the remainder of Tract 11, Grandview, and to Lot 3, Block 2, Grandview, Section 3, and a 1.260-acre portion of Culver Drive right-of-way adjacent to Lots 1-11, Block 8, West Way, City and County of Midland, Texas (generally located adjacent to Midland Christian School); adopting the appraisal by the City Manager of \$134,991.00; and ordering recordation by the City Secretary.

Planning Division Manager Cameron Walker presented an overview of the request, which seeks vacation of four pieces of property to allow reconfiguration of the Midland Christian School campus and provide for additional parking. He advised that one block of Culver Drive is by far the most significant of the tracts, noting that the others are very small strips of unused right-of-way. Noting that 342 notices were sent out to owners of property within 1,000 feet, Mr. Walker stated that 130 written objections were received, including the names on petitions that were submitted. He stated that Staff has worked with both the school and neighborhood residents regarding this request, and acknowledged that there are significant congestion problems on Culver Drive that need to be resolved. He explained that Staff had advised the applicant that consideration could not be given to closing the street unless the School owned the property on both sides, and confirmed that the School has purchased all eleven parcels on the block in question and that the majority of the homes have been removed. The Planning Division Manager cited other vacations approved in the last several years, noting that in all cases, the city required compensation of fair market value of the property, regardless of who requested it. He confirmed that the fair market value, as determined by the Central Appraisal District, is about \$135,000 and outlined the need to retain a utility easement on one of the tracts off Northrup Drive. Asked if a supermajority vote is necessary for approval, Mr. Walker advised that the 20% rule does not apply to this request.

Mayor Perry opened the public hearing.

Eddie Lee, Midland Christian School Superintendent, reviewed the School's history and advised that it reached its preferred enrollment of 1,122 students in 1999 and has stayed near that number ever since. Emphasizing that the student body is at its optimum size and that there are no plans to increase enrollment, Mr. Lee reviewed current problems with traffic, inadequate parking, and obsolete and/or overcrowded facilities. Alan Brown, 3119 Humble Avenue, also spoke as representative of Midland Christian School, advising that they recognize the neighbors' issues and have gone through a very deliberate three-year process to arrive at the

best solution while giving careful consideration to the interests of the neighborhood. Mr. Brown characterized safety as the overriding concern and provided details of the traffic congestion around the School at pickup and drop-off times. He explained that both the staff and about 350 high school students now must park on neighborhood streets, and that the requested vacation would allow the School to provide dedicated parking for all. Mr. Brown also addressed facility issues, noting that two 47-year old buildings must be replaced and that a larger cafeteria is absolutely necessary, solely to accommodate the current enrollment.

Architect Stephen Faulk of Lubbock, Texas, advised that nine alternatives were developed in the process of arriving at the current proposed plan. Mr. Faulk reviewed the redesigned layout, explaining that the primary concern was consolidation of the campus while at the same time separating the drop-off points for different student groups to minimize congestion. Mr. Brown again came forward to advise that a meeting had been recently held with the neighborhood residents to listen to their concerns, and he addressed several of those concerns, citing advantages of the proposal for the neighborhood and reviewing plans to address safety and privacy issues.

Carrie Hooper, 1807 Culver Drive, stated that this proposal will severely limit access to her driveway and that it is unreasonable to remove long-used rights-of-way to accommodate a private entity. Joyce Hooper, 1806 Culver Drive, declared that the eleven homes taken from this neighborhood and removed from the tax rolls will not be replaced; she also maintained that the neighborhood was notified only ten days ago regarding the school's plans. Marilyn Weaver, 1807 Hughes Street, advised that this concept has grown substantially since it was initiated and expressed concern that it will continue to grow and further encroach on this long-established neighborhood.

Paul W. Cooper, 2207 Culver Drive, spoke in support of the proposed closure, maintaining that the proposed closure of Culver Drive will permit more orderly loading/unloading of students, thereby enhancing safety; will remove cars from the neighborhood streets; and will have a positive effect on property values. Gary Truex, 3506 East Golf Course Road, advised that his children attend Midland Christian and cited problems with dropping off and picking up his children, particularly the inability to see pedestrians because of cars parked on both sides of the street. Kelley Sivalls, 3109 Gulf Avenue, expressed surprise that anyone would oppose this proposal; she stated that demand for homes in this area is very high and that she would expect property values to increase as a result of the School's proposal.

Rheta Page, whose mother lives at 2105 Hughes, stated that they have collected over 200 signatures objecting to this closure from all over the neighborhood. Ms. Page declared that the School had chosen to build a stadium rather than classrooms, cited trash and litter problems, and maintained that parking and noise problems are ignored by school officials. Gordon Page, also representing the resident at 2105 Hughes, emphasized the value of Culver remaining a through street and stated that closing the street may delay emergency vehicles or divert traffic elsewhere to cause an accident. Vivian Wedel, 2209 Culver, spoke in favor of closing Culver, maintaining that something needs to be done to alleviate the parking problems and congestion; she added that off-street parking will result in safety improvements far more important than any minor inconvenience she may experience.

Bethany LeRoy, 3115 Gulf Avenue, spoke in favor of the closure, advising that she looked for two years for a home in this high-demand residential area in order to be near her children's school and that she now worries for their safety. Melissa Midkiff, 6601 FM 175, stated that her four children attend Midland Christian School, that most students are respectful of neighbors' property, and that the School cares about the neighborhood. She emphasized that a project to improve any school campus in any neighborhood presents a temporary inconvenience that leads to permanent benefits. Kim Thomason, 1806 Sparks Street, advised that she purchased a home in this neighborhood so that her children could walk safely to school; she added that Midland Christian is considerate of its neighbors and that the goal is to get the cars off neighborhood streets and improve safety.

Tim Warpula, 2208 Stanolind Avenue, stated that his children attend Midland Christian and that he supports making the area safer and more attractive by getting parking off the streets. Norman Gould, 2814 Fannin Avenue, advised that he lives across from the northern terminus of Culver Drive and that he opposes the requested closing. Mr. Gould was critical of the School's expansion, cited traffic problems and other issues, and declared that closure of Culver would create detours and potential delays for emergency vehicles. Nash Dowdle, 2205 Culver, objected to the proposed closure, arguing that neighbors have been given insufficient notice and that potential solutions need to be analyzed further to ensure that safety issues are properly resolved. Mary Dowdle, of the same address, cited an accident that occurred several years ago in which a young driver lost control and destroyed private property, and she maintained that

school officials, parents and students have an attitude of entitlement and are dismissive of the interests of neighborhood residents. Ms. Dowdle proposed moving the Midland Christian high school facility to a vacant charter school campus at a different location.

Deborah Morris, 3108 Loma Drive, supported closure of Culver, advising that the School provides a quality service for our community and declaring out that safety is more important than convenience. Wendell Edgell, 2101 Ward, predicted that traffic in his area will increase if Culver is closed, and he contended that many of those who have spoken in favor of this request have strong ties to Midland Christian School. He advocated separating the high school from the existing campus and offered other suggestions. Richard B. Russell, 2605 Culver, stated that real estate professionals consider this a very desirable neighborhood, and he expressed opposition to closure of Culver, arguing that it will limit access by Culver Drive residents to Golf Course Road and shift traffic to other neighborhood streets that already have traffic issues.

Ana O'Bryant, 1909 Hughes, lauded the School's plan to build a parking lot, but advised that she opposes closure of Culver. Ms. O'Bryant contended that traffic problems would result and that the residential nature of the area would be degraded if the vacation is approved. Sean Patty, 1708 Cessna, spoke in support of the requested closure, maintaining that the School has added value to his neighborhood with its campus improvements and that his property value has increased over the past three years. Mark Dettman, 2612 Northrup, opposed the closure, declaring that it is fundamentally wrong to give a public street to a private entity for its own use.

Anna Lopez, 2204 Culver, stated that she recognizes that some of the School's existing buildings need to be replaced, that she does not believe that property values would be negatively affected, and that she supports closure of Culver for safety reasons. Clayton Hooper, 1806 Culver, advised that the neighborhood was notified only ten days ago of plans to close Culver Drive and that there have been no studies done to evaluate the impact on the surrounding neighborhood and streets; he asked that this request be tabled to allow for a long-term study of the impacts of the School's future growth. Randal Rodgers, 2203 Culver, concurred with the previous speaker that there has been little communication on this matter and declared that further study is needed regarding impacts on traffic and drainage.

Mark Machon, 2827 Stutz, emphasized the benefits Midland Christian School brings to the community, pointing out that those considering moving to Midland look at our educational opportunities as well as other factors, and that the School is a major asset. Tanner Dobbs, 3117 Auburn Drive, stated that he is a 16-year old student and that Midland Christian is the primary reason his family moved to Midland. He added that parking on the street by students who are inexperienced drivers is dangerous and that a parking lot is needed. Jackie Comola, 14 Bristol Court, opposed closing Culver, advising that she believes the School will continue to acquire property on Northrup and will eventually want to close that street as well.

Eve Osterlund, 2005 Huntington Drive, advised that there are already traffic problems in her area and that these issues will only get worse. Ms. Osterlund maintained that Midland Christian can add parking without closing Culver and that the School needs to look at other alternatives. Dennis Smith, 1905 Northrup, stated his belief that the School tries to be a good neighbor and that he would expect the proposed closure to alleviate congestion and improve safety; he reviewed the benefits offered by the School, along with its need to upgrade its infrastructure. Josh Hopkins, 1702 Douglas, supported the request to close Culver, observing that it should not have significant impact because Ward Street is the main north/south route in the area. He added that safety is a greater concern when pedestrians must cross the street, that it is important to reduce parking on the streets, and that locating school buildings in the vacated right-of-way and placing the parking closer to the neighborhood minimizes impact.

John Lowery, 2513 Humble Avenue, advised that his children have been educated at Midland Christian School and that his youngest, a student driver, is fearful of traffic conditions around the school. He supported closing Culver to alleviate the parking and congestion problems. Lucy Boggs, 2002 Hughes, opposed the closing of the street, explaining that although she understands the safety concerns for their students, she is concerned about traffic impact on her street and the safety of her daughter, who rides her bicycle in the neighborhood. Shari Evans, 1702 Culver, advised that safety is a great concern to her as well, and that it is very difficult to get out of her driveway at peak hours; she expressed concern that closing Culver will channel even more traffic onto her block to access the parking lot, and asked that the Council reject the closure request.

Dale Brown, 3804 Trinity Drive, pointed out that traffic which crosses Culver should also be considered in evaluating safety issues, and suggested that closure of a portion of the street will lead to a safer environment for both the School and the neighbors. Anne Shaunessy, 2801 Gulf, objected to closing Culver for the same reasons others have discussed, and she indicated

that she would appreciate more effort by the School to prevent litter after football games and would like to see better enforcement of the yield sign at Gulf and Hughes. Art Perkins, 2803 Andover, spoke in favor of closing Culver and maintained that Midland Christian School is a significant asset to our community. He added that he knows the School plans to remain at its current enrollment and that it respects its neighborhood.

Donna Stanco, 2003 Northrup, maintained that the School should consider building a parking garage if it needs more parking, declared that many of the parents need to be more conscious of safety in their driving habits, and stated that although safety is a serious problem, there are better solutions than closing Culver. Jeremy Anderson, 1903 Hughes, spoke in favor of a new parking lot but opposed closing Culver, contending that it will make the traffic situation worse. Ken Wyrick, 2215 Culver, stated that he lives at the corner of Neely Avenue and that traffic conditions are very hazardous due to speeding drivers. Mr. Wyrick added that students on foot and in vehicles damage his yard, and he objected to closure of Culver, contending that it will not alleviate these problems. He suggested that the School move its football stadium elsewhere and use that site to expand its facilities.

There being no one else present wishing to speak either for or against said request, Mayor Perry closed the public hearing.

At 1:12 p.m., Mayor Perry called a very brief recess, announcing that this matter would be considered further upon reconvening.

* * *

The meeting was reconvened in Midland Center at 1:19 p.m. with the same members present.

* * *

Further consideration was given to an ordinance vacating and abandoning a 0.038-acre portion of Northrup Drive right-of-way and a 0.024-acre portion of the north/south alley, both being adjacent to Lot 4, Block 2, Grandview, Section 4, and a 0.055-acre portion of Northrup Drive right-of-way adjacent to the remainder of Tract 11, Grandview, and to Lot 3, Block 2, Grandview, Section 3, and a 1.260-acre portion of Culver Drive right-of-way adjacent to Lots 1-11, Block 8, West Way, City and County of Midland, Texas (generally located adjacent to Midland Christian School); adopting the appraisal by the City Manager of \$134,991.00; and ordering recordation by the City Secretary.

Council discussion focused on traffic issues and impact of closing Culver Drive. Asked for Staff's input, Transportation Manager Gary Saunders concurred that there are problems for pedestrians during peak times, given the vehicle parking on both sides of Culver, but advised that streets around the School are operating at 80% of capacity with a high level of service. He expected that the requested closure would reduce that level of service only slightly, and observed that other streets in the area should be able to absorb any traffic increase due to a closure without substantial impact. At Council request, Lt. Brian Bogart of the Midland Police Department addressed traffic monitoring around schools, advising that the school, as well as the neighbors, requests monitoring to improve safety. Lt. Bogart stated that traffic complaints in the area of Midland Christian School are not nearly as significant as complaints regarding loading/unloading and parking, and noted that through traffic already tends to avoid the area during peak times, moving over onto other streets. Regarding the effect of closure on emergency vehicle access, Assistant Fire Marshal David Hickman advised that there are no access problems in this area and that the Fire Department does not foresee any in the future, since both Golf Course and Neely provide access to the area.

Asked the timing for actual building construction, Superintendent Eddie Lee advised that the parking and pad for the new school building would be put in first, but it may perhaps be a two-year project to get the building completed. Mr. Lee confirmed that their plan would provide assigned parking for every student and staff member, although a few special events would still result in overflow. Mr. Lee was joined by Alan Brown in responding to other Council questions regarding ingress/egress and other elements of the School's plan. Planning Division Manager Cameron Walker confirmed that sufficiency of the setback for the planned two-story building is subject to administrative review once the plans are finalized, and he confirmed that while the two-story height is allowed by right, a taller structure would require a zone change and Council approval.

Council member James moved to amend the proposed ordinance to delete the vacation of a portion of Culver Drive, but to retain the request for Culver vacation on the table. The motion for amendment was seconded by Council member Morales, and approved by the following vote:

Council members voting "AYE": James, Morales, Trost, Hailey, Perry, Dufford
and Sparks
Council members voting "NAY": None

Council member James advocated delaying closing of Culver until after construction of the parking lot, since there are no immediate building plans, to allow time for a traffic study and more communication with the neighborhood. Alan Brown advised that the parking area cannot fully accommodate the School's needs if the street remains. Additional discussion addressed the possibility of performing a traffic study between first and second reading. The Transportation Manager advised that such a study, if handled by a third party using traffic counts obtained by Staff, would require about 30 days at a cost of at least \$5,000. Mayor Perry recommended tabling this matter so that more information can be developed over the next few weeks. Discussion also focused on who should perform the traffic study and who should bear the cost. A citizen came forward to urge that any further studies/conclusions be communicated with complete transparency, and another citizen lauded the Council's efforts to get the parties together to work out differences.

Council member James made a motion to table the proposed ordinance until the March 9 Council meeting, to allow time for additional study and communication among the parties. Council member Trost seconded the motion. The proposed ordinance vacating and abandoning the described portions of right-of-way, as amended, was tabled until March 9, 2010, by the following vote:

Council members voting "AYE": James, Trost, Morales, Hailey, Perry, Dufford
and Sparks
Council members voting "NAY": None

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All of the business at hand having been completed, the meeting adjourned at 2:21 p.m.