

January 27, 2009

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:01 a.m., January 27, 2009, with the following members present:

LuAnn Morgan,	Mayor Pro Tem
A. Scott Dufford,	Council member - At-Large
Jerry F. Morales,	Council member - At-Large
Vicky Hailey,	Council member - District 2
John H. James,	Council member - District 3
Michael B. Trost,	Council member - District 4

\* \* \*

Staff members present at the Council Table Annex:

Courtney Sharp,	City Manager
Keith Stretcher,	City Attorney
Tommy Hudson,	Deputy City Manager
Marcus Johnston,	Assistant City Manager

\* \* \*

The invocation was voiced by Deputy City Manager Tommy Hudson.

\* \* \*

Mayor Pro Tem Morgan led the Pledge of Allegiance to the Flag.

\* \* \*

There were no presentations made relative to special events, organizations, individuals or periods of time.

\* \* \*

Mayor Pro Tem Morgan 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.

\* \* \*

A motion was made by Council member Dufford for the approval of the Consent Agenda, listed as Item Nos. 5 through 16, with the exception of Item Nos. 10, 15 and 16, which were temporarily pulled from the agenda.

\* \* \*

(Consent): The minutes of the regular City Council meeting of January 13, 2009 were approved by motion as submitted.

\* \* \*

(Consent): Resolution No. 2009-020 was adopted approving the purchase of fertilizer of assorted types and in assorted volumes for operations at the Spraberry Farm, from Helena Chemical of Stanton, Texas, at an estimated total cost of \$150,000.00. Caption of said resolution is as follows:

RESOLUTION NO. 2009-020  
RESOLUTION APPROVING THE PURCHASE OF FERTILIZER  
OF ASSORTED TYPES AND IN ASSORTED VOLUMES FOR  
OPERATIONS AT THE SPRABERRY FARM, FROM HELENA  
CHEMICAL OF STANTON, TEXAS, AT AN ESTIMATED TOTAL  
COST OF \$150,000.00

\* \* \*

(Consent): Resolution No. 2009-021 was adopted approving the purchase of six hundred (600) refuse containers with lids from Roll-Offs USA, Incorporated, of Durant, Oklahoma, at a total cost of \$214,200.00. Caption of said resolution is as follows:

RESOLUTION NO. 2009-021  
RESOLUTION APPROVING THE PURCHASE OF SIX  
HUNDRED (600) REFUSE CONTAINERS WITH LIDS FROM  
ROLL-OFFS USA, INCORPORATED, OF DURANT, OKLAHOMA,  
AT A TOTAL COST OF \$214,200.00

\* \* \*

(Consent): Resolution No. 2009-022 was adopted approving plans and specifications and authorizing advertisement for bids for the replacement of the City of Midland's Fueling Facility. Caption of said resolution is as follows:

RESOLUTION NO. 2009-022  
RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE  
REPLACEMENT OF THE CITY OF MIDLAND'S FUELING  
FACILITY

\* \* \*

(Consent): Resolution No. 2009-023 was adopted approving plans and specifications prepared by Parkhill, Smith and Cooper, Incorporated, and authorizing advertisement for bids for the City of Midland Project described as Rehabilitation of Runway 10/28 Project (8858) at the Midland International Airport. Caption of said resolution is as follows:

RESOLUTION NO. 2009-023  
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  
REHABILITATION OF RUNWAY 10/28 PROJECT (8858) AT THE  
MIDLAND INTERNATIONAL AIRPORT

\* \* \*

(Consent): Resolution No. 2009-024 was adopted authorizing the acceptance of a grant award from the Texas Department of Housing and Community Affairs for owner occupied housing assistance funds pursuant to the Home Investment Partnership Program; the grant award will consist of \$160,000.00 in project funds and \$6,400.00 in administrative funds; the grant will be utilized to assist low-income elderly households through the City's Owner Occupied Housing Assistance Program; authorizing the execution of acceptance documents; and appropriating grant funds therefor. Caption of said resolution is as follows:

RESOLUTION NO. 2009-024  
RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT  
AWARD FROM THE TEXAS DEPARTMENT OF HOUSING AND  
COMMUNITY AFFAIRS FOR OWNER OCCUPIED HOUSING  
ASSISTANCE FUNDS PURSUANT TO THE HOME  
INVESTMENT PARTNERSHIP PROGRAM; THE GRANT  
AWARD WILL CONSIST OF \$160,000.00 IN PROJECT FUNDS  
AND \$6,400.00 IN ADMINISTRATIVE FUNDS; THE GRANT WILL  
BE UTILIZED TO ASSIST LOW-INCOME ELDERLY  
HOUSEHOLDS THROUGH THE CITY'S OWNER OCCUPIED  
HOUSING ASSISTANCE PROGRAM; AUTHORIZING THE  
EXECUTION OF ACCEPTANCE DOCUMENTS; AND  
APPROPRIATING GRANT FUNDS THEREFOR

\* \* \*

(Consent): The Council approved a motion to defer public improvements for water, sewer and paving with curb and gutter for Skyview Development Section 9 (generally located on Todd Drive about 300 feet south of Marie Drive) and to waive the associated public improvement

guarantee, and to defer sidewalk construction on Todd Drive. Total value of improvements deferred is \$41,700.

\* \* \*

(Consent): The Council approved a motion to defer public improvements for water and sewer for West 191 Industrial Park (generally located on Hwy 191 about one mile east of FM 1788) and to waive the associated public improvement guarantee. Total value of improvements deferred is \$81,100.

\* \* \*

(Consent): Resolution No. 2009-025 was adopted accepting a grant award from the 2009 Assistance to Firefighters Grant in the amount of \$70,517.00, Grant Number EMW-2008-FO-06364; this grant will allow the City of Midland to purchase 177 sets of special protective clothing for each firefighter that is designed specifically for fighting grass fires; this grant is an 80% federal grant with the City of Midland providing 20% of the costs; the federal grant portion is \$70,517.00 and the City's portion will be \$17,629.00, totaling \$88,146.00. Caption of said resolution is as follows:

RESOLUTION NO. 2009-025  
RESOLUTION ACCEPTING A GRANT AWARD FROM THE 2009 ASSISTANCE TO FIREFIGHTERS GRANT IN THE AMOUNT OF \$70,517.00, GRANT NUMBER EMW-2008-F0-06364, THIS GRANT WILL ALLOW THE CITY OF MIDLAND TO PURCHASE 177 SETS OF SPECIAL PROTECTIVE CLOTHING FOR EACH FIREFIGHTER THAT IS DESIGNED SPECIFICALLY FOR FIGHTING GRASS FIRES; THIS GRANT IS AN 80% FEDERAL GRANT WITH THE CITY OF MIDLAND PROVIDING 20% OF THE COSTS; THE FEDERAL GRANT PORTION IS \$70,517.00 AND THE CITY'S PORTION WILL BE \$17,629.00 TOTALING \$88,146.00

\* \* \*

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

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

\* \* \*

Consideration was given to a motion authorizing the naming of Field #1 "Doc Dodson Field," at the Joe Mowles Little League Complex, Windlands Park, 1000 West Dengar Street.

Mayor Pro Tem Morgan asked Doc Dodson and his family to come forward, and she expressed the Council's appreciation for all that Mr. Dodson has contributed to the community, declaring that he has been an inspiration to the youth of Midland. Family member Todd Hullender, who serves as president of the Mid-City Little League, provided a brief update on the league's fund-raising efforts for lighting and other improvements to their four fields.

Upon motion by Council member James, seconded by Council member Morales, the Council authorized naming of Field #1 at the Joe Mowles Little League Complex as "Doc Dodson Field" by the following vote:

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

\* \* \*

Consideration was given to a resolution accepting a grant from the Federal Bureau of Investigation in the amount of \$286,000.00 to be deposited into the General Fund Account; this grant will be utilized for the purpose of making repairs, modifications, and improvements to the City of Midland's Firearms Training Facility Renovations Project; and appropriating funds.

Police Chief Price Robinson introduced Matthew Espenshade, Supervisory Special Agent, and Cory Richardson, Special Agent, of the Midland FBI office. Chief Robinson expressed appreciation to the FBI for this grant and reviewed the additional improvements that will be made to the firing range, which is often used by the FBI and several other law enforcement agencies. The Council joined Chief Robinson in thanking the Bureau, and the Chief emphasized the great working relationship between the MPD and the area FBI office.

Resolution No. 2009-026 was adopted accepting a \$286,000 grant from the Federal Bureau of Investigation for repairs, modifications, and improvements to the City of Midland's Firearms Training Facility Renovations Project, and appropriating funds. Caption and action had on said resolution are as follows:

RESOLUTION NO. 2009-026  
RESOLUTION ACCEPTING A GRANT FROM THE FEDERAL  
BUREAU OF INVESTIGATION IN THE AMOUNT OF  
\$286,000.00 TO BE DEPOSITED INTO THE GENERAL FUND  
ACCOUNT; THIS GRANT WILL BE UTILIZED FOR THE  
PURPOSE OF MAKING REPAIRS, MODIFICATIONS, AND  
IMPROVEMENTS TO THE CITY OF MIDLAND'S FIREARMS  
TRAINING FACILITY RENOVATIONS PROJECT; AND  
APPROPRIATING FUNDS

On motion of Council member Morales, seconded by Council member Trost, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the 27th day of January, A.D., 2009, by the following vote:

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

\* \* \*

Consideration was given to a resolution appropriating \$1,800,000.00 to the Centennial Plaza Improvements Project; authorizing the City Manager to negotiate and execute a contract with MW Builders of Texas, Incorporated, of Temple, Texas, for the completion of the Centennial Plaza Improvements Project, and authorizing the City Manager to negotiate and execute an agreement with the Tax Increment Reinvestment Zone #1 regarding its \$800,000.00 contribution toward the funding of the Centennial Plaza Improvements Project; and making a specific finding that the Centennial Plaza is a facility that is primarily used to host conventions and meetings; that the Centennial Plaza shall serve as and is a civic center, civic center building, an auditorium, exhibition hall or coliseum; and finding that this allocation of the City's Hotel-Motel Tax, as authorized by Chapter 351 of the Texas Tax Code, promotes tourism and the convention and hotel industry.

Assistant City Manager Marcus Johnston advised that this action authorizes acceptance of the proposal by MW Builders for completion of improvements to Centennial Plaza, and he briefly reviewed the renovations to be included in the project. Mr. Johnston stated that Staff also recommends authorizing Alternate No. 4, to replace removed trees with 46 four-inch live oaks installed in City parks or on other public property, and he noted that the proposed resolution incorporates that cost. Turning to funding, he confirmed that the TIRZ Board of Directors has committed \$400,000 to the project up front, plus a note for an additional \$400,000 to be reimbursed from future revenues. \$250,000 of the City's cost will be reimbursed via the HUD EDI grant, and \$750,000 in Hotel/Motel funds would be allocated to the project. In addition, the Assistant City Manager advised that he has requested that the Midland Municipal Management District fund \$25,000 annually for the next four years to help with ongoing capital expenses, with that decision now pending. Mr. Johnston concluded by emphasizing the benefits of this project to downtown redevelopment efforts and tourism. Gary Vandergriff of the Vandergriff Group, designers of the project, responded to several Council questions and confirmed that the soft clay tile now in place will be replaced with a more durable surface which is frost-resistant and can handle heavy traffic. At the request of Mayor Pro Tem Morgan, Mr. Johnston reviewed funding details, confirming that there should be no impact to the General Fund, other than functioning as the bank for reimbursable funding, to complete the improvements. He advised that completion is expected by the end of November.

Resolution No. 2009-027 was adopted appropriating \$1,800,000.00 to the Centennial Plaza Improvements Project; authorizing the City Manager to negotiate and execute a contract with MW Builders of Texas, Incorporated, of Temple, Texas, for the completion of said project, and authorizing the City Manager to negotiate and execute an agreement with the Tax Increment

Reinvestment Zone #1 regarding its \$800,000.00 contribution toward the funding of said project; and setting out related findings. Caption and action had on said resolution are as follows:

RESOLUTION NO. 2009-027

RESOLUTION APPROPRIATING \$1,800,000.00 TO THE CENTENNIAL PLAZA IMPROVEMENTS PROJECT; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH MW BUILDERS OF TEXAS, INCORPORATED, OF TEMPLE, TEXAS, FOR THE COMPLETION OF THE CENTENNIAL PLAZA IMPROVEMENTS PROJECT, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH THE TAX INCREMENT REINVESTMENT ZONE #1 REGARDING ITS \$800,000.00 CONTRIBUTION TOWARD THE FUNDING OF THE CENTENNIAL PLAZA IMPROVEMENTS PROJECT; AND MAKING A SPECIFIC FINDING THAT THE CENTENNIAL PLAZA IS A FACILITY THAT IS PRIMARILY USED TO HOST CONVENTIONS AND MEETINGS; THAT THE CENTENNIAL PLAZA SHALL SERVE AS AND IS A CIVIC CENTER, CIVIC CENTER BUILDING, AN AUDITORIUM, EXHIBITION HALL OR COLISEUM; AND FINDING THAT THIS ALLOCATION OF THE CITY'S HOTEL-MOTEL TAX, AS AUTHORIZED BY CHAPTER 351 OF THE TEXAS TAX CODE, DIRECTLY ENHANCES AND PROMOTES TOURISM AND THE CONVENTION AND HOTEL INDUSTRY

On motion of Council member Morales, seconded by Council member Trost, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the 27th day of January, A.D., 2009, by the following vote:

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

\* \* \*

Following explanation by Mayor Pro Tem Morgan that this item would require a supermajority of six affirmative votes for approval, Ordinance No. 8694 was adopted on second and final reading changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Lot 2, Block 1, Cycles Addition, City and County of Midland, Texas, which is presently zoned PD, Planned District for a shopping center, and a 22.20-acre tract of land out of Section 1, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, and more specifically described in Section One hereof, which is presently zoned 1P-1, Industrial Park District, in part, and IP-3, Industrial Park District, in part, to be used as an LR-3, Local Retail District (generally located on the northwest corner of Loop 250 West and Business Interstate 20); 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. 8694

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2, BLOCK 1, CYCLES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, AND A 22.20-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED IP-1, INDUSTRIAL PARK DISTRICT, IN PART, AND IP-3, INDUSTRIAL PARK DISTRICT, IN PART, TO BE USED AS AN LR-3, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTHWEST CORNER OF LOOP 250 WEST AND BUSINESS INTERSTATE 20); 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 Dufford, seconded by Council member Hailey, on the 27th day of January, A.D., 2009, at a regular meeting of the City Council.

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

\* \* \*

Following explanation by Mayor Pro Tem Morgan that this item would require a supermajority of six affirmative votes for approval, Ordinance No. 8695 was adopted on second and final reading changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 19.95-acre tract of land ("Tract 1") out of Section 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas, and more specifically described in Section One hereof, which is presently zoned PD, Planned District for a housing development, to be used as an Amended Planned District; by permitting a 9.96-acre tract of land ("Tract 2") out of Section 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas, and more specifically described in Section Three hereof, which is presently zoned 1F-3, One-Family Dwelling District, to be used as a PD, Planned District for a housing development; said tracts being generally located on the east side of Midkiff Road, approximately 1,800 feet north of Mockingbird Lane; 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. Caption and action had on said ordinance are as follows:

ORDINANCE NO. 8695

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 19.95-ACRE TRACT OF LAND ("TRACT 1") OUT OF SECTION 9, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT; BY PERMITTING A 9.96-ACRE TRACT OF LAND ("TRACT 2") OUT OF SECTION 9, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION THREE HEREOF, WHICH IS PRESENTLY ZONED 1F-3, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; SAID TRACTS BEING GENERALLY LOCATED ON THE EAST SIDE OF MIDKIFF ROAD, APPROXIMATELY 1,800 FEET NORTH OF MOCKINGBIRD LANE; 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

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 27th day of January, A.D., 2009, at a regular meeting of the City Council.

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

\* \* \*

Ordinance No. 8696 was adopted on second and final reading amending Ordinance No. 8147-A, which adopted a site plan for a Planned District for a shopping center; said amendment to adopt an Amended Site Plan for Lot 26, Block 10, Beckland Terrace, Section 2, City and County of Midland, Texas (generally located on the south side of Andrews Highway, approximately 200

feet east of North Midland Drive); 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. Caption and action had on said ordinance are as follows:

ORDINANCE NO. 8696  
AN ORDINANCE AMENDING ORDINANCE NO. 8147-A, WHICH ADOPTED A SITE PLAN FOR A PLANNED DISTRICT FOR A SHOPPING CENTER; SAID AMENDMENT TO ADOPT AN AMENDED SITE PLAN FOR LOT 26, BLOCK 10, BECKLAND TERRACE, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 200 FEET EAST OF NORTH MIDLAND DRIVE); 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

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 Morales, seconded by Council member Hailey, on the 27th day of January, A.D., 2009, at a regular meeting of the City Council.

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

\* \* \*

Ordinance No. 8697 was adopted on second and final reading vacating and abandoning a 2,516.3 square foot portion of alley right-of-way between Lot 5, Block 3, Bel Air Addition, Section 3 and Lot 18, Block 5, Bel Air Addition, Section 2, City and County of Midland, Texas (generally located from the south right-of-way line of Bowie Drive south to its intersection with the existing east/west alley); adopting the appraisal by the City Manager of \$1,887.00; retaining a twenty (20) foot drainage easement; and ordering recordation by the City Secretary. Caption and action had on said ordinance are as follows:

ORDINANCE NO. 8697  
AN ORDINANCE VACATING AND ABANDONING A 2,516.3 SQUARE FOOT PORTION OF ALLEY RIGHT-OF-WAY BETWEEN LOT 5, BLOCK 3, BEL AIR ADDITION, SECTION 3 AND LOT 18, BLOCK 5, BEL AIR ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED FROM THE SOUTH RIGHT-OF-WAY LINE OF BOWIE DRIVE SOUTH TO ITS INTERSECTION WITH THE EXISTING EAST/WEST ALLEY); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$1,887.00; RETAINING A TWENTY (20) FOOT DRAINAGE EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

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 Trost, on the 27th day of January, A.D., 2009, at a regular meeting of the City Council.

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

\* \* \*

Consideration was given to an ordinance establishing intersection stops at various locations within the City of Midland, Texas; requiring and authorizing the posting of appropriate signs at intersections; 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.

Transportation Division Manager Gary Saunders explained that the proposed ordinance is the result of a study of the need for two-way stops in the Greathouse subdivision, to determine if they are warranted in light of the ongoing growth of the area. Mayor Pro Tem Morgan asked for detailed information relative to the intersection of Woodhollow Drive and Oriole Drive. Mr. Saunders reviewed the traffic controls in place and advised that they are continuing to monitor this area closely as development proceeds. At the request of Council member Trost, Mr. Saunders discussed the traffic-calming aspects of traffic circles, noting that studies indicate that such devices can be very effective if thoughtfully located and designed.

Ordinance No. 8698 was adopted on the first of two readings establishing intersection stops at various locations within the City, and requiring and authorizing the posting of appropriate signs at intersections. Caption and action had on said ordinance are as follows:

ORDINANCE NO. 8698  
AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT  
VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND,  
TEXAS; REQUIRING AND AUTHORIZING THE POSTING OF  
APPROPRIATE SIGNS AT INTERSECTIONS; 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

The above and foregoing ordinance was duly proposed, read and adopted on first reading in accordance with the Charter of the City of Midland, the 27th day of January, A.D., 2009; and passed to second reading on motion of Council member Dufford, seconded by Council member Hailey, by the following vote:

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

\* \* \*

Consideration was given to an ordinance authorizing the issuance of "City of Midland, Texas, Tax and Limited Pledge Revenue Certificates of Obligation, Series 2009"; levying an ad valorem tax upon all taxable property within the City and providing for a limited pledge of the net revenues of the City's Waterworks and Sewer System for the payment of said certificates; prescribing the terms and details of such certificates and resolving other matters incident and related to the issuance, sale, security, payment and delivery of said certificates, including the approval of a paying agent/registrar agreement and the approval and distribution of an official statement pertaining thereto; and providing an effective date.

Finance Director Bob McNaughton presented an overview of the issuance in the actual amount of \$9,855,000, citing upgraded ratings by Moody's and Standard and Poor's and pointing out that this is a bank-qualified issue, an important factor in obtaining the very low 3.68669% interest rate. In response to Council questions, Mr. McNaughton confirmed that this issue was offered to Midland citizens by advertisement but that there were no retail orders by individuals. He advised that the tax rate impact for this issue is about 1.2 cents, reflecting annual debt service of about \$715,000 annually, and is consistent with that of past obligations. A brief discussion followed regarding the increased amount of this debt issue, the advantages offered by the low interest rate, and potential impact on future City Councils. It was generally agreed that future Councils are inevitably obligated by both actions and inactions of the current Council, given the ongoing need for infrastructure maintenance/improvements and the implications of deferring such projects for extended periods. George Williford of First Southwest, the City's financial advisor, responded to another question, explaining that there is no explicit number for total debt that can be incurred by the City, and he reviewed a number of factors that influence the maximum debt capacity that can be supported.

Ordinance No. 8699 was adopted on first and final reading authorizing the issuance of "City of Midland, Texas, Tax and Limited Pledge Revenue Certificates of Obligation, Series 2009"; levying an ad valorem tax upon all taxable property in the City and providing for a limited pledge of net revenues of the City's waterworks and sewer system for the payment of said certificates; prescribing the terms and details of such certificates and resolving other matters incident and related to the issuance, sale, security, payment and delivery of said certificates; and providing an effective date. Caption and action had on said ordinance are as follows:



Ordinance No. 8700 was adopted on the first of two readings approving the requested zone change. Caption and action had on said ordinance are as follows:

ORDINANCE NO. 8700  
AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 6 THROUGH 21 AND LOTS 23 THROUGH 30, BLOCK 22, CORRECTION PLAT OF WESTERN HILLS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED TH, TOWNHOUSE DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON BOTH SIDES OF AUDIE COURT AND BEAL PARKWAY, NORTH OF ANETTA DRIVE); 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

The above and foregoing ordinance was duly proposed, read and adopted on first reading in accordance with the Charter of the City of Midland, the 27th day of January, A.D., 2009; and passed to second reading on motion of Council member Trost, seconded by Council member Hailey, by the following vote:

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

\* \* \*

A public hearing was held and consideration given to an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 27.37-acre tract of land out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, and more specifically described in Section One hereof, which is presently zoned FD, Future Development District, to be used as a PD, Planned District for a shopping center (generally located between Andrews Highway and Deauville Boulevard, 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.

Mr. Walker described the request, noting that the applicant has owned this 27-plus acres of land for many years and that the property was annexed about eight years ago. The applicant plans to develop the property as 13 pad sites for LR-2 uses, with landscaping and building materials consistent with the City's standards. The Planning Division Manager added that the one exception relates to building height, and that the applicant has requested a 36-foot maximum building height, which potentially could allow a three-story building. He noted, however, that the height is typical for proposed retail developments and appropriate for this location near the Sports Complex.

Mayor Pro Tem Morgan opened the public hearing.

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

Ordinance No. 8701 was adopted on the first of two readings approving the requested zone change. Caption and action had on said ordinance are as follows:

ORDINANCE NO. 8701  
AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 27.37-ACRE TRACT OF LAND OUT OF SECTION 37, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE

HEREOF, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED BETWEEN ANDREWS HIGHWAY AND DEAUVILLE BOULEVARD, 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

The above and foregoing ordinance was duly proposed, read and adopted on first reading in accordance with the Charter of the City of Midland, the 27th day of January, A.D., 2009; and passed to second reading on motion of Council member Hailey, seconded by Council member Morales, by the following vote:

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

\* \* \*

A public hearing was held and consideration given to an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Lot 3-B, Block 25, Crestgate Addition, Section 22, City and County of Midland, Texas, which is presently zoned LR-1, Local Retail District, to be used as a PD, Planned District for a shopping center (Generally located on the west side of North Midkiff Road, approximately 600 feet north of West Loop 250 North); 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.

The Planning Division Manager advised that this proposal seeks to rezone the property which was once occupied by the long-demolished Golden Corral restaurant, and he explained that the applicants wish to develop the property for a 66-unit Baymont Suites hotel. Mr. Walker stated that the proposed development provides for a building height of 37 feet, alightly taller than the surrounding retail development, but that the applicants have agreed to an additional building setback of 75 feet, making the scale of the development satisfactory. He briefly described the access features and building materials. In response to an inquiry by Council member James, Mr. Walker reviewed area hotel projects and their status, confirming that several hundred rooms have been added to the City in the past two years and that the pending projects, some of which may currently be "on hold", would add several hundred additional rooms. A brief discussion focused on access issues at this location, which experiences significant traffic.

Mayor Pro Tem Morgan opened the public hearing.

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

Ordinance No. 8702 was adopted on the first of two readings approving the requested zone change. Caption and action had on said ordinance are as follows:

ORDINANCE NO. 8702

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 3-B, BLOCK 25, CRESTGATE ADDITION, SECTION 22, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-1, LOCAL RETAIL DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 600 FEET NORTH OF WEST LOOP 250 NORTH); 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

The above and foregoing ordinance was duly proposed, read and adopted on first reading in accordance with the Charter of the City of Midland, the 27th day of January, A.D., 2009; and passed to second reading on motion of Council member Trost, seconded by Council member Morales, by the following vote:

Council members voting "AYE" Trost, Morales, Morgan, Dufford and Hailey
Council members voting "NAY": None

\* \* \*

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

Upon motion by Council member Hailey, seconded by Council member Morales, the following individual was unanimously appointed to the Midland Development Corporation Board of Directors:

MIDLAND DEVELOPMENT CORPORATION

Robert V. Rendall, Jr. - appointed to unexpired term Term Expires Jan 14 2011

\* \* \*

Consideration was given to a motion appointing a Mayor Pro Tempore.

On motion by Council member Hailey, seconded by Council member Trost, Council member Dufford was appointed Mayor Pro Tempore by the following vote:

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

\* \* \*

Council member Morgan turned control of the meeting over to Mayor Pro Tem Dufford.

\* \* \*

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

\* \* \*

All of the business at hand having been completed, the meeting adjourned at 11:34 a.m.