

**MIDLAND CITY COUNCIL
MINUTES
January 13, 2015**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on January 13, 2015.

Council Members present: Mayor Jerry F. Morales, Council Member Scott Dufford (At-Large), Council Member Spencer Robnett (At-Large), Council Member Jeff Sparks (District 1), Mayor Pro Tem John B. Love, III (District 2), Council Member Sharla Hotchkiss (District 3), and Council Member J.Ross Lacy (District 4).

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Deputy City Manager Tommy Hudson, Assistant City Manager Robert Patrick, Assistant City Manager Frank Salvato, City Secretary Amy Turner, Police Chief Price Robinson, Fire Chief Robert Isbell, Utilities Director Laura Wilson, Administrative Services Director Catherine Clifton, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Director Jose Ortiz, Interim Director of Airports Justine Ruff, Planning Division Manager Bob Baronti, Building Official Steve Thorpe, Public Information Officer Sara Bustilloz, and Community Development Manager Sylvester Cantu.

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at ____ a.m., January 13, 2015.

Council Members present: Mayor Jerry F. Morales, Council Member Scott Dufford (At-Large), Council Member Spencer Robnett (At-Large), Council Member Jeff Sparks (District 1), Mayor Pro Tem John B. Love, III (District 2), Council Member Sharla Hotchkiss (District 3), and Council Member J.Ross Lacy (District 4).

Staff members present at the annex table: City Manager Courtney Sharp, City Attorney Keith Stretcher, Deputy City Manager Tommy Hudson, Assistant City Manager Robert Patrick, and Assistant City Manager Frank Salvato.

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:06 a.m.

1. Invocation - Rev. Pat Bryant, Travis Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

Sparks Crime Stoppers

Andy Cedillo, Joey Jolly recognized 2014 Christmas Parade winners 3rd - Rock the Desert Ministries; 2nd Place Rock La Roca church; 1st place Natural Gas Services Group, Inc. Best lighted American Eagle Logistics.

Jolly recognized police officers _____ and Joel Hawkings, Transportation Dept Scott Powell? and ?? blocking streets, thank Sara Bustilloz for time and effort advertising.

check rep vol hours or donation contributed 619 vol 83906 hours 1.892,080.30.

Hotchkiss unprecedented event with ice storm. comments looked more like tornado than ice. wonderful amount of support. thanked Mayor and City Mgr for action plan and recognize city staff who pitched in and worked extra hours to help clean up storm damage. Mayor hoped to publically recognize police, dispatchers, parks, traffic etc. very blessed in community to have dedicated workers. not a single fatality.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation for Crime Stoppers Month.
 - b. Recognition of 2014 Christmas Parade Float Winners.
 - c. Receive a presentation from Midland Retired Seniors Volunteer Program.

PUBLIC COMMENT

Shannon Leverton, donnoton ell enterprises. to go along with Sharla comment what a great job city did. out of whetherford tx disaster removal company. thanked several people to take time to spend with them. community pulling together was unprecedented. What needs to be mentioned is because community pulled together and have saved community millions of dollars. There is a debris issue 3 options at his request. proposal in his hands. it will be done in a timely and safe environment. thanked for time 1333 W. Dry Creek Road. Colleville Tx.

4. Receive public comments where individuals may address the City Council on City related issues and projects. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting. (Please limit comments to three minutes or less.)

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 6 - 21 excluding 5a, 5b, 11, 12, 13, 16, 17, 18, 19, 20; seconded by Council Member Hotchkiss.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

6. Approved a resolution approving the sole source purchase for implementation and configuration of Cityworks Server AMS software hosting and SDE Geodatabase hosting from NTB Associates, Inc. of Frisco, Texas for a total cost of \$75,000.00 for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2015 - 001

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH NTB ASSOCIATES, INCORPORATED FOR THE PURCHASE OF SOFTWARE AND GEODATABASE HOSTING SERVICES NECESSARY FOR THE CITYWORKS SERVER AMS SOFTWARE AND THE SDE GEODATABASE; SAID PURCHASE WAS NOT BID BUT PURCHASED AS A SOLE SOURCE AT A TOTAL COST OF \$75,000.00

7. Approved a resolution rejecting the sole bid received for the construction of the Scale House at the Landfill and authorizing re-advertisement for bids for the Solid Waste Department. (PURCHASING)

RESOLUTION NO. 2015 - 002

RESOLUTION REJECTING THE SINGLE BID RECEIVED FOR THE MUNICIPAL SOLID WASTE LANDFILL SCALE HOUSE AND ENTRANCE FACILITIES CONSTRUCTION PROJECT; AND AUTHORIZING THE CITY MANAGER TO RE-BID SAID PROJECT

8. Approved a resolution approving a contract for the purchase of playground equipment for Fasken Park from Exerplay, Inc. through Buyboard contract #423-13 for a total cost of \$218,348.81 (\$194,376.15 for the playground equipment and \$23,972.66 in contingencies) for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2015 - 003

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH EXERPLAY, INCORPORATED FOR THE PURCHASE OF PLAYGROUND EQUIPMENT FOR FASKEN PARK THROUGH BUYBOARD, IN THE AMOUNT OF \$194,376.15, PLUS CONTINGENCIES OF \$23,972.66 FOR A TOTAL COST OF \$218,348.81; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

9. Approved a resolution approving a contract for the replacement of the pavilion at Washington Park from Playgrounds, Etc. through Buyboard contract #423-13 for a total cost of \$81,787.20 for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2015 - 004

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH PLAYGROUNDS, ETC., LLP, FOR THE REPLACEMENT OF THE PAVILION AT WASHINGTON PARK THROUGH BUYBOARD, IN THE AMOUNT OF \$75,852.00,

PLUS CONTINGENCIES OF \$5,935.20 FOR A TOTAL COST OF \$81,787.20; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

10. Approved a resolution approving a contract for the replacement of the video message boards at the Scharbauer Sports Complex from Daktronics, Inc. through Buyboard contract #423-13 for a total cost of \$163,333.60 (\$148,773.00 for the video boards plus \$14,560.60 in contingencies) for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2015 - 005

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH DAKTRONICS, INCORPORATED, FOR THE REPLACEMENT OF VIDEO MESSAGE BOARDS AT THE SCHARBAUER SPORTS COMPLEX THROUGH BUYBOARD, IN THE AMOUNT OF \$148,773.00, PLUS CONTINGENCIES OF \$14,560.60 FOR A TOTAL COST OF \$163,333.60; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

14. Approved a resolution on a request by Parking Acquisition Company, LLC to accept the dedication of a 20-foot public access easement, being a 0.07-acre tract of land located in Lot 3, Block 59, Original Town Addition, City and County of Midland, Texas. (Generally located on the west side of North Pecos Street, approximately 100-feet south of West Texas Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 009

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.07-ACRE PUBLIC ACCESS EASEMENT LOCATED IN LOT 3, BLOCK 59, ORIGINAL TOWN ADDITION, MIDLAND, MIDLAND COUNTY, TEXAS, FROM PARKING ACQUISITION CO LLC FOR THE USE AND BENEFIT OF THE PUBLIC FOR PUBLIC ACCESS PURPOSES; AND ORDERING RECORDATION BY THE CITY SECRETARY

15. Approved a resolution on a request by Parking Acquisition Company, LLC #2 to accept the dedication of a public utility easement, being a 0.07-acre tract of land adjacent to Lots 3 through 10, Block 59, Original Town Addition, City and County of Midland, Texas. (Generally located on the north side of West Wall Street, approximately 140-feet west of North Pecos Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 010

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.07-ACRE UTILITY EASEMENT LOCATED IN BLOCK 59, ORIGINAL TOWN ADDITION, MIDLAND, MIDLAND COUNTY, TEXAS, FROM PARKING ACQUISITION CO LLC FOR THE USE AND BENEFIT OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES; AND ORDERING RECORDATION BY THE CITY SECRETARY

21. Approved a resolution to approve amendments to the Midland Police Department General Orders (POLICE)

RESOLUTION NO. 2015 - 016

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, APPROVING CERTAIN AMENDMENTS TO THE GENERAL ORDERS OF THE

MIDLAND POLICE DEPARTMENT; AND PROVIDING THAT THE CITY COUNCIL IS THE POLICYMAKING AUTHORITY OF THE CITY OF MIDLAND

5. Approved a motion approving the following minutes:

Special Meeting of December 02, 2014.

sparks pulled to abstain.

Council Member Lacy moved to approve Special Meeting of December 02, 2014.; seconded by Council Member Love.

The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy. NAY: None. ABSTAIN: Sparks. ABSENT: Robnett.

Regular meeting of December 16, 2014.

Council Member Sparks moved to approve Regular meeting of December 16, 2014. with amendment to Item 29 Page 9 should read fertilizer not allowed to be put on subject property; item 47 line 2 should read flexibility could be restricted to the applicant; line 3 should read John Ohnemiller reported restrictions can be placed; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

11. Approved a resolution accepting the retirement of the City of Midland Municipal Court Presiding Judge effective at 5:00 p.m. on April 15, 2015. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2015 - 006

A RESOLUTION ACCEPTING THE RETIREMENT OF THE CITY OF MIDLAND MUNICIPAL COURT PRESIDING JUDGE EFFECTIVE AT 5:00 P.M. ON APRIL 15, 2015.

sparks thanked judge for everything did for City for last 30years. Firstmuni court camera broadcast ruels first tx court use video rights presentation; trained and effective warrant commission;

Council Member Sparks moved to adopt Resolution No. 2015 - 006; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

Love recognized Judge , although not present with round of applause.

12. Approved a resolution authorizing the posting of the City of Midland Municipal Court Presiding Judge Position (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2015 - 007

RESOLUTION AUTHORIZING THE POSTING OF THE CITY OF MIDLAND

MUNICIPAL COURT PRESIDING JUDGE POSITION; AND AUTHORIZING THE ACCEPTANCE OF APPLICATIONS OR RESUMES FOR SAID POSITION; THE CITY OF MIDLAND MUNICIPAL COURT PRESIDING JUDGE POSITION WILL BECOME VACANT ON APRIL 15, 2015

sparks pulled

Council Member Love moved to adopt Resolution No. 2015 - 007; seconded by Council Member Hotchkiss.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

13. Approved a resolution authorizing the acceptance of a \$10,000.00 donation from Community National Bank for the owner occupied housing minor repairs program. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 008

RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO ACCEPT A DONATION IN THE AMOUNT OF \$10,000.00 FROM COMMUNITY NATIONAL BANK FOR THE OWNER OCCUPIED HOUSING MINOR REPAIRS PROGRAM

Hotchkiss pulled to explain what going on. Harrington done under comm reinv ask providing \$ to homeowner repair program. anyone present from community national bank. pass on thanks.

Council Member Love moved to adopt Resolution No. 2015 - 008; seconded by Council Member Hotchkiss.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

16. Consider a Resolution authorizing the negotiation and execution of an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone #1 and White Star Energy (DOWNTOWN DEVELOPMENT)

RESOLUTION NO. 2015 - 011

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ) AND WHITE STAR ENERGY, SAID AGREEMENT WAS PREVIOUSLY APPROVED BY THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ)

Sparks pulled John Kennedy 1202 Douglas, council gave mission to TIRZ and the next 5 items do something to improve things downtown and increase tax payers. Sparks minutes haven't been ratified. sparks ratify subject to approval of minutes. Kennedy reg meeting Jan 21. Sparks any like to comment on. Kennedy all good projects happy to help downtown businesses help themselves. Love thanked for time, patience and hard work. Kennedy thank all of TIRZ board and city staff.

Council Member Sparks moved to adopt Resolution No. 2015 - 011 subject to

ratification of the TIRZ minutes; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

17. Consider a Resolution authorizing the negotiation and execution an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone #1 and Susie's South Forty Confections (DOWNTOWN DEVELOPMENT)

RESOLUTION NO. 2015 - 012

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ) AND SUSIE'S SOUTH FORTY CONFECTIONS, SAID AGREEMENT WAS PREVIOUSLY APPROVED BY THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ)

Sparks 157,000 and what exactly will it be used for. suzy hitchcock hall suzies s/40 confections. legal downtown midland. mney put into this is when come downtown have requirements that don't have in county and \$30,000 for sprinkler, paving. this already been paid for out of pocket. Free tours to public. downtown midland. Mayor 3rd largest fed ex shipper in texas. ship in 37 countries.

Council Member Love moved to adopt Resolution No. 2015 - 012 subject to ratification of the TIRZ minutes; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

18. Consider a Resolution authorizing the negotiation and execution an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone #1 and Rita Properties Corporation (DOWNTOWN DEVELOPMENT)

RESOLUTION NO. 2015 - 013

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ) AND RITA PROPERTIES CORPORATION, SAID AGREEMENT WAS PREVIOUSLY APPROVED BY THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ)

Council Member Love moved to adopt Resolution No. 2015 - 013 subject to ratification of the TIRZ minutes; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

19. Approved a resolution authorizing the negotiation and execution of an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone #1 and Permian Basin Public Telecommunications, Incorporated, DBA Basin PBS (Ritz Theater). (DOWNTOWN DEVELOPMENT)

RESOLUTION NO. 2015 - 014

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ) AND PERMIAN BASIN PUBLIC TELECOMMUNICATIONS, INCORPORATED, DBA BASIN PBS, SAID AGREEMENT WAS PREVIOUSLY APPROVED BY THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ)

Council Member Love moved to adopt Resolution No. 2015 - 014 subject to ratification of the TIRZ minutes; seconded by Council Member Hotchkiss.

Love cannot move forward without hearing from PBS and Bob the Builder

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

20. Approved a resolution authorizing the negotiation and execution of an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone #1 and Midland Community Theater (Yucca Theater). (DOWNTOWN DEVELOPMENT)

RESOLUTION NO. 2015 - 015

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ) AND MIDLAND COMMUNITY THEATER, SAID AGREEMENT WAS PREVIOUSLY APPROVED BY THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ)

Council Member Sparks moved to adopt Resolution No. 2015 - 015 subject to ratification of the TIRZ minutes; seconded by Council Member Love.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

Ryan Lloyd mging director of MCtr thanked for what do in community. Thanked Genora Young who did fantastic job at leading to potential city supporters and Mr. Love. appreciate city help colorado look better. yucca second oldest building in Midland. call lady yucca.

SECOND READINGS

22. Consider a ordinance on second reading declaring certain structures as dangerous, dilapidated and public nuisances, and ordering their removal or securing. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9365

AN ORDINANCE DECLARING CERTAIN STRUCTURES LOCATED AT 105 NORTH LAMESA ROAD, 212 EAST SUMMIT AVENUE, 301 SOUTH LAMESA ROAD, 305 NORTH LEE STREET, 306 SOUTH STONEWALL STREET, 502 SOUTH FAIRGROUNDS ROAD, A LOCATION ON THE WEST SIDE OF SOUTH FAIRGROUNDS ROAD HAVING A LEGAL DESCRIPTION OF LOT 4, BLOCK 26, GREENWOOD ADDITION, 506 SOUTH FAIRGROUNDS ROAD, 505 SOUTH TYLER STREET, 505 SOUTH WEBSTER STREET, 509 SOUTH WEBSTER STREET, 1207

EAST NOBLES AVENUE, 2305 EAST CALIFORNIA AVENUE, 3106 DELANO AVENUE, AND 3708 CEDAR SPRINGS DRIVE TO BE DILAPIDATED, SUBSTANDARD OR UNFIT FOR HUMAN HABITATION AND HAZARDS TO THE PUBLIC HEALTH, SAFETY AND WELFARE; ORDERING THEIR DESTRUCTION OR REMOVAL; DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE; AND DIRECTING THE BUILDING OFFICIAL TO DELIVER A COPY OF THIS ORDINANCE TO AFFECTED OWNERS, LIENHOLDERS AND MORTGAGEES; SAID ORDINANCE BEING AUTHORIZED BY CHAPTER 214 OF THE TEXAS LOCAL GOVERNMENT CODE

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9365.

Council Member Love moved to approve the second and final reading of Ordinance No. 9365 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

23. Consider an ordinance on second reading on a request by Sinclair Village for a zone change from PD, Planned District for a Shopping Center and 1F-1, One-Family Dwelling District to MF-1, Multiple-Family Dwelling District on all of Tract 10 and the south 416.98-feet of Tract 11, Wallace Heights Addition, City and County of Midland, Texas (Generally located approximately 1,500 feet east of N. Loop 250 West, between Andrews Highway and Sinclair Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9366

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING TRACT 10 AND THE SOUTH 416.98 FEET OF TRACT 11, WALLACE HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, IN PART, AND 1F-1, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS A MF-1, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED APPROXIMATELY 1,500 FEET EAST OF NORTH LOOP 250 WEST, BETWEEN ANDREWS HIGHWAY AND SINCLAIR AVENUE); 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9366.

Council Member Love moved to approve the second and final reading of Ordinance No. 9366 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford. NAY: None. ABSTAIN: None. ABSENT: Lacy, Robnett.

24. Consider an ordinance on second reading on a request by Western LLC for a zone change from PD, Planned District for a Recreational Center to BP, I-20 Business Park

District on Lot 1, Block 1, Desert Thunder Raceway Addition and on a 28.53-acre tract of land out of Section 10, Block 40, T-2-S, T&P RR Company Survey, all located in the City and County of Midland, Texas (Generally located northwest of the intersection of S. County Road 1250 and W. I-20. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9367

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 1, DESERT THUNDER RACEWAY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, AND A 28.60-ACRE TRACT OF LAND OUT OF SECTION 10, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED PD, PLANNED DISTRICT FOR A RECREATION CENTER, TO BE USED AS A BP, I-20 BUSINESS PARK DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH COUNTY ROAD 1250 AND WEST INTERSTATE HIGHWAY 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9367.

Council Member Love moved to approve the second and final reading of Ordinance No. 9367 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

25. Consider an ordinance on second reading on a request by Loves Travel Stops and Country Store for a zone change from LR-2, Local Retail District to BP, I-20 Business Park District on a 19.70-acre tract of land out of Section 12, Block 40, T-2-S, T&P RR Company Survey, City and County of Midland, Texas (Generally located southeast of the intersection of W. I-20 and Antelope Trail.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9368

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 19.701-ACRE TRACT OF LAND OUT OF SECTION 12, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A BP, I-20 BUSINESS PARK DISTRICT (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST INTERSTATE HIGHWAY 20 AND ANTELOPE TRAIL); 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9368.

Council Member Love moved to approve the second and final reading of Ordinance No. 9368 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

26. Consider an ordinance on second reading on a request by Midland Owner for a zone change from MF-1, Multiple-Family Dwelling District; O-2, Office District and LR-2, Local Retail District to PD, Planned District for a Shopping Center on Lots 4, 5 and 6, Block 3, Westridge Park Addition, Section 28, City and County of Midland, Texas (Generally located on the east side of Avalon Drive, between Andrews Highway and Deauville Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9369

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 4, 5, AND 6, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 28, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, O-2, OFFICE DISTRICT, IN PART, AND LR-2, LOCAL RETAIL DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF AVALON DRIVE, BETWEEN ANDREWS HIGHWAY AND DEAUVILLE BOULEVARD); 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9369.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9369 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Sparks want to check on Ordinance itself. Concern is to make sure that wehn its transferred asked about 18 how it iwll protect zoning. asked John to have clause in there that doesn't allow mass sell off of property with flexibility. John part amendment found 18-4. first part defines what affiliate would mean 4b is protection whereby any portion of property were transferred to a non-affiliate then rights of that property would have to come back to Council subject to future site plan. John if transferred to affiliate then site plan reviewed by committee.

john amenmdnet council jmade in cond 18 1 mayor apoint comittee, site plans submitted will be reviewed by committee, if committee denies site plan than can appeal to Council. second amendment has to do with transferred land which jus tdiscussed. third one pertained to a minimum amount of retail space find in 18b 75,000 gross square feet retail.

Dufford when comes to ensuring that top flight first quality the comittee has carte blanche to say more of this type bldg material. John absolutely if not surethen can deny and it will come before council.

lacy thanked all staff who worked on.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

27. Consider an ordinance on second reading on a request by Lamar Advertising / Felipe Morales for a Specific Use Permit with Term for an Electronic Billboard on Lot 1, Block 16, Kelview Heights Addition, City and County of Midland, Texas (Generally located southwest of the intersection of N. Big Spring Street and Neely Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9372

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 16, KELVIEW HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH BIG SPRING STREET AND NEELY AVENUE), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR AN ELECTRONIC BILLBOARD; 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9372.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9372 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Hotchkiss appropriate make it having just had vote on wonderful addition. Before told objections to billboards appearance and safety. What to comment on economic development billboards. spoke with Doug Henson asked how created magnet with SBC corporation. Years back they called and got best econ dv and did first plans for area. they ae 2 basic guidliens first one signage no signage except monument signs certainly no billboards. second was circuatous streets that builds sense fo community. Shown belief in what done of strong planning.

The motion carried by the following vote: AYE: Love, Sparks, Dufford, Lacy. NAY: Hotchkiss. ABSTAIN: None. ABSENT: Morales, Robnett.

Dufford move sign from where currently located to corner.

28. Consider an ordinance on second reading on a request by Lamar Advertising / Midland Majestic, LLC for a Specific Use Permit with Term for an Electronic Billboard on Lots 7 and 8, Block 183, Southern Addition, City and County of Midland, Texas (Generally located northeast of the intersection of W. Dakota Avenue and S. Big Spring Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9373

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS 7 AND 8, BLOCK 183, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST

OF THE INTERSECTION OF WEST DAKOTA AVENUE AND SOUTH BIG SPRING STREET), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR AN ELECTRONIC BILLBOARD; 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9373.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9373 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Sparks, Morales, Lacy. NAY: Hotchkiss, Dufford. ABSTAIN: None. ABSENT: Robnett.

29. Consider an ordinance on second reading on a request by Burkett Media / Andres Gutierrez On Appeal for a Specific Use Permit with Term for a Billboard on a 5.50-acre tract of land out of Section 8, Block 39, T-2-S, T&P RR Company Survey, City and County of Midland, Texas (Generally located southeast of the intersection of W. Interstate Highway 20 and Jasmine Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9374

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 5.50-ACRE TRACT OF LAND OUT OF THE NORTHWEST QUADRANT OF SECTION 8, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST INTERSTATE HIGHWAY 20 AND JASMINE ROAD), WHICH IS PRESENTLY ZONED BP, I-20 BUSINESS PARK DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9374.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9374 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Sparks, Morales, Lacy. NAY: Hotchkiss, Dufford. ABSTAIN: None. ABSENT: Robnett.

30. Consider an ordinance on second reading for the annexation of a 5.23-acre tract of land out of Section 37, Block 40, T-1-S, T&P RR Company Survey, Midland County, Texas (Generally located on the west side of Tradewinds Boulevard, approximately 170-feet

south of Champions Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9376

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 5.23-ACRE TRACT OF LAND OUT OF SECTION 37, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF TRADEWINDS BOULEVARD, APPROXIMATELY 170 FEET SOUTH OF CHAMPIONS DRIVE); AND APPROVING A PUBLIC SERVICE PLAN

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9376.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9376 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

31. Consider an ordinance on second reading on the initial zoning of annexed land to AE, Agricultural Estates District on a 5.23-acre tract of land out of Section 37, Block 40, T-1-S, T&P RR Company Survey, Midland County, Texas (Generally located on the west side of Tradewinds Boulevard, approximately 170-feet south of Champions Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9377

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 5.23-ACRE TRACT OF LAND OUT OF SECTION 37, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN AE, AGRICULTURE ESTATE DISTRICT; SAID TRACT IS GENERALLY LOCATED ON THE WEST SIDE OF TRADEWINDS BOULEVARD, APPROXIMATELY 170 FEET SOUTH OF CHAMPIONS DRIVE; 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9377.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9377 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

32. Consider an ordinance on second reading on request by Dale Callen, Jr. for a Special Exception to the Zoning Code concerning the maximum size of an accessory structure on Tract 18, North Estates Addition, City and County of Midland, Texas (Generally located on the south side of Solomon Lane, approximately 300-feet east of Pine Needle Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9378

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR TRACT 18, NORTH ESTATES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF SOLOMON LANE, APPROXIMATELY 300 FEET EAST OF PINE NEEDLE LANE), BY PERMITTING AN ACCESSORY STRUCTURE TO EXCEED THE MAXIMUM SIZE LIMIT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9378.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9378 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

33. Consider an ordinance on second reading on request by City of Midland for a vacation of the 0.55-acre portion of the right-of-way of N. Baird Street adjacent to Lots 1 through 6, Block 38 and Lots 7 through 12, Block 39, all located in Original Town Addition, City and County of Midland, Texas (Generally located approximately 300-feet east of N. Main Street, between E. Illinois Avenue and E. Texas Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9379

AN ORDINANCE VACATING AND ABANDONING A 0.55-ACRE PORTION OF BAIRD STREET RIGHT-OF-WAY ADJACENT TO LOTS 1-6, BLOCK 38, AND LOTS 7-12, BLOCK 39, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 300 FEET EAST OF NORTH MAIN STREET, BETWEEN EAST ILLINOIS AVENUE AND EAST TEXAS AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$23,958.00; WAIVING THE FEE FOR THE COST OF THE RIGHT-OF-WAY; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9379.

Council Member Love moved to approve the second and final reading of Ordinance No. 9379 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

34. Consider an ordinance on second reading on a request by Concho Resources, for the vacation of the 20-foot alley right of way on Block 37, Homestead Addition, City and County of Midland, Texas (Generally located approximately 170 feet east of North

Carrizo Street, between West Michigan Avenue and West Tennessee Avenue.)
(DEVELOPMENT SERVICES)

ORDINANCE NO. 9380

AN ORDINANCE VACATING AND ABANDONING A 20-FOOT ALLEY LOCATED ON BLOCK 37, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 170 FEET EAST OF NORTH CARRIZO STREET, BETWEEN WEST MICHIGAN AVENUE AND WEST TENNESSEE AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$6,000.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9380.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9380 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Council asked what happened? Did offset owner end up with agreement. chuck harrington should be attached to letter from ?? 11:10 a.m.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: Robnett. ABSENT: None.

35. Consider an ordinance on second reading on a request by Jatin Patel for a vacation of the 0.138-acre alley right-of-way adjacent to Lots 1 through 12, Block 42, Belmont Addition, City and County of Midland, Texas (Generally located approximately 140 feet east of Belmont Street, between W. Stokes Avenue and Wolcott Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9381

AN ORDINANCE VACATING AND ABANDONING A 0.138-ACRE ALLEY ADJACENT TO LOTS 1-12, BLOCK 42, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 140 FEET EAST OF BELMONT STREET, BETWEEN WEST STOKES AVENUE AND WOLCOTT AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$3,602.64; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9381.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9381 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

36. Consider an ordinance on second reading on a City-Initiated amendment to Title XI, Chapter 7a of the Midland City Code. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9382

AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT",

CHAPTER 7a, "REVISED OUTDOOR SIGN REGULATIONS", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, SO AS TO MAKE COMPREHENSIVE REVISIONS TO REGULATIONS PERTAINING TO BILLBOARDS AND ELECTRONIC BILLBOARDS WITHIN THE CITY OF MIDLAND, TEXAS; ESTABLISHING ILLUMINATION STANDARDS; ESTABLISHING SPECIAL CONTROL AREAS; PROHIBITING NEW BILLBOARDS AND ELECTRONIC BILLBOARDS WITHIN THE SPECIAL CONTROL AREAS; PROVIDING FOR A ONE-TIME REPLACEMENT OF AN EXISTING BILLBOARD LOCATED WITHIN A SPECIAL CONTROL AREA; PROVIDING FOR A ONE-TIME REPLACEMENT OF AN EXISTING BILLBOARD LOCATED WITHIN A SPECIAL CONTROL AREA WITH AN ELECTRONIC BILLBOARD IF TWO OTHER BILLBOARDS OR ELECTRONIC BILLBOARDS ARE REMOVED FROM A SPECIAL CONTROL AREA; REQUIRING A SIGN PERMIT AND A SPECIFIC USE PERMIT WITH TERM PRIOR TO CONSTRUCTING A NEW BILLBOARD OR ELECTRONIC BILLBOARD, OR MODIFYING A LEGALLY CONFORMING BILLBOARD OR ELECTRONIC BILLBOARD; PROVIDING FOR NOTICE, A PUBLIC HEARING, AND 30-DAY COMMENT PERIOD PRIOR TO THE CITY COUNCIL VOTING ON WHETHER TO GRANT A SPECIFIC USE PERMIT WITH TERM; ESTABLISHING MINIMUM SEPARATION STANDARDS; ESTABLISHING MAXIMUM SIGN AREA STANDARDS; ESTABLISHING SETBACK REQUIREMENTS; ESTABLISHING AN APPEAL PROCEDURE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9382.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9382 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Sparks wants to ensure understands. if billboard currently existing has lightening strike tha tdestroys it will not be allowed to replace. Chuck if percentage destroyed 60 % or less cna replace it. sparks if total loss cannot replace. Lacy is there appeal proces if that does happen that can come to Council. chuck yes.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

Lacy congratulated Hotchkiss for cahmpioning nad pushign this through.

37. Consider an ordinance on second reading amending Title VI, "Police Regulations," Chapter 2, "Animals and Fowl" Section 2, "Running at Large," and Section 10, "Impoundment Time, Notice and Costs," of the City Code of Midland, Texas; requiring a person who owns, keeps, possesses, harbors or maintains a dog, cat, ferret, livestock, poultry, other bird or other animal from being at large; negating and dispensing with the culpable mental state requirement; providing affirmative defenses; providing that each unlicensed dog, cat or ferret impounded shall be kept and maintained at the Department of Animal Control for a minimum of two days; providing for a maximum penalty or fine of five hundred dollars (\$500.00); containing a savings and severability clause; and ordering publication (COMMUNITY SERVICES)

ORDINANCE NO. 9383

AN ORDINANCE AMENDING TITLE VI, "POLICE REGULATIONS", CHAPTER 2, "ANIMALS AND FOWL", SECTION 2, "RUNNING AT LARGE", AND SECTION 10, "IMPOUNDMENT TIME, NOTICE AND COSTS", OF THE CITY CODE OF MIDLAND, TEXAS; REQUIRING A PERSON WHO OWNS, KEEPS, POSSESSES, HARBORS OR MAINTAINS A DOG, CAT, FERRET, LIVESTOCK, POULTRY, OTHER BIRD OR OTHER ANIMAL TO PREVENT SAID DOG, CAT, FERRET, LIVESTOCK, POULTRY, OTHER BIRD OR OTHER ANIMAL FROM BEING AT LARGE; NEGATING AND DISPENSING WITH THE CULPABLE MENTAL STATE REQUIREMENT; PROVIDING AFFIRMATIVE DEFENSES; PROVIDING THAT EACH UNLICENSED DOG, CAT OR FERRET IMPOUNDED SHALL BE KEPT AND MAINTAINED AT THE DEPARTMENT OF ANIMAL CONTROL FOR A MINIMUM OF TWO DAYS; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9383.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9383 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

38. Consider an ordinance on second reading establishing truck routes for the City of Midland, Texas, and restricting certain vehicles from using certain streets; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; 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. (ENGINEERING SERVICES)

ORDINANCE NO. 9384

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER 1, "GENERAL TRAFFIC REGULATIONS", SECTION 3, "TRUCK ROUTES", AND SECTION 4, "HAZARDOUS MATERIALS TRUCK ROUTES"; ESTABLISHING TRUCK ROUTES, LOCAL TRUCK ROUTES, AND HAZARDOUS MATERIALS TRUCK ROUTES WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE DESIGNATED LOCATIONS; 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9384.

Council Member Love moved to approve the second and final reading of Ordinance No. 9384 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

PUBLIC HEARINGS

39. At approximately 10:30 A.M. hold a public hearing regarding a proposed Oil and Gas Permit to Callon Petroleum Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 PSA1 #1H) located 2,140 feet from north line and 2,100 feet from east line, Section 23, Block 40, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the west side of Golden Gate Drive, approximately 2,140-feet south of extension of Mockingbird Lane.) (This is a public hearing. No action will be taken.) (DEVELOPMENT SERVICES)

Lacy abstain 39 and 40

Oil & Gas Ron Jenkins gave a brief overview of the item noting first of two twell no loj. both sharing same drill pad next to existing well. o7g made rec . callum pat owns surface req landscaep and irrigation variance. addressed and requested from o7g horizontoa wells. Morales making contribution on variance. ron no. dufford just 12 months.

Mayor Morales opened the public hearing at 11:21 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

40. At approximately 10:33 A.M. hold a public hearing regarding a proposed Oil and Gas Permit to Callon Petroleum Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 PSA1 #2SH) located 2,140 feet from north line and 2,140 feet from east line, Section 23, Block 40, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the west side of Golden Gate Drive, approximately 2,140-feet south of extension of Mockingbird Lane.) (This is a public hearing. No action will be taken.) (DEVELOPMENT SERVICES)

Oil & Gas compliance Officer Ron Jenkins gave a brief overview of the item noting second of two wells sharing same pad same info presented prev.

Mayor Morales opened the public hearing at 11:22 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

41. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by Lockridge Outdoor Advertising, LLC c/o Wicca Wisdom On Appeal for a Specific Use Permit with Term for a Billboard on the West 100-feet of the South Half of Block 16, Loma Linda Addition, Section 4, City and County of Midland, Texas. (Generally located southeast of the intersection of North Big Spring Street and West Oak Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9387

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS THE WEST 100 FEET OF THE SOUTH HALF OF BLOCK 16, LOMA LINDA ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST OAK AVENUE), WHICH IS PRESENTLY ZONED

LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; 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

Development Services Director Chuck Harrington gave a brief overview of the item noting appeal from p7z decision. app proposing to install billboard not close to res properties and did meet requirements of immediate past sign ord at time applied for. p7z voted to deny request 0-8. Love any sentiment why? chuck don't recall any. love did it have anything to do with billboard across street. Hotchkiss no didn't like location.

Love opened the public hearing at 11:25 a.m.

Tony Lockridge austin, in regard to discussion 100% of discussion had to do with placement near intersection. Had referenced other locations throughout town that were directly by intersections. Confused where intersection came in. Approved one earlier that was by intersection in same area. Think intersection affect p7z count. Hotchkiss here have second one #42 it did have a lot of public comment, was it the first discussed? Tony believe it was last one discussed. just static sign no electronic.

There being no one else wishing to speak, the public hearing was closed at 11:27 a.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9387.

Council Member Sparks moved to defer to second meeting in February; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

change vote to Mayor abstain

42. At approximately 10:39 A.M. hold a public hearing and consider an ordinance on a request by Lockridge Outdoor Advertising, LLC / J.E. Mendez, MD PA On Appeal for a Specific Use Permit with Term for a Billboard on Lots 1 and 2 of the East 100-feet of Block 4, Kelview Heights Addition, City and County of Midland, Texas. (Generally located southwest of the intersection of North Big Spring Street and West Shandon Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9388

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS 1 AND 2 OF THE EAST 100 FEET OF BLOCK 4, KELVIEW HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST SHANDON AVENUE), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; 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

chuck Harrington request is made by Lockridge Outdoor on behalf of Dr. mendez appeal for approval of sepcial permit. property zoned for sup without term for billboard adjacent to where proposing. that doesn't comply with ciyt ord in affect at time, too close to existing sup for a sign. applicant does not meet all billboard requirement with min sep of 1000 fet rec denail. p7z rec denail 701. one loj received and a new letter just came in. Love do objection result in 20%. Chuck no. both same person. Love any idea of what p7z thinking. chuck because not enough seperation. even though billboard not there not neough seperation. concern express in meeting dr mendez in process of selling property and did not want billboard. Htochkiss alot of public outcry that would negatively affect their business.

Mayor opened the public hearing at 11:33 a.m.

Deborah Morris, 3108 Loma, thanked for opportunity to object to billboard. Would like discerment of location so Council can see what is going on. Submitted detail outline of location. First one is discretion cause for driving error. 1) child safety endangerment. Midland crosswalk less than a block away and may cuase accident. B) congested traffic large increase of cars and trucks if distracted north coming south could cause accident. c) major cross street big spring and wadley could cause accident. Asked for a survey on that street d) focus disraction walgreens ahas turning lane prone for accident. 2) request electrical utility line survey ask for 6 month survey there is a main line where trees 30-40 feet high 6 of them in location who will take down trees. there are power lines who will absorb cost? 3) billboard ownership responsibility who will be respponsible for advertising. 4) who will benefit from this in that area? In conclusion proposal to table for a minimum of 6 months until concerns can be addressed. asked council to not approve.

There being no one else wishing to speak, the public hearing was closed at 11:39 a.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9388.

love less than 1000 feet.

died for lack of motion.

Council Member moved approval of the first of two readings of Ordinance No. 9388 in accordance with the Charter of the City of Midland; seconded by Council Member .

43. At approximately 10:42 A.M. hold a public hearing and consider an ordinance on a request by Lamar Advertising/Union Pacific for a Specific Use Permit with Term for a Billboard on Union Pacific Railroad right-of-way, located at Latitude 31.99248 and Longitude -102.08063, Section 34, Block 39, T-1-S, T&P, RR Company Survey, City and County of Midland, Texas. (Generally located on the south side of West Front Street, approximately 75-feet southeast of South "B" Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9389

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE

PROPERTY DESCRIBED AS LATITUDE 31.99248 AND LONGITUDE -102.08063 OUT OF SECTION 34, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST FRONT STREET, APPROXIMATELY 75 FEET SOUTHEAST OF SOUTH B STREET), WHICH IS PRESENTLY ZONED C-3, COMMERCIAL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; 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

chuck lamar advertising location on uprr app proposing replacement of damaged sign. Time of app met all proposed billboard requirements. No objections received. p7z rec approval 5-1. Love do not recall ever putting longitude and latitude. chuck because on uprr new ord that will be requirement.

Mayor trying to understand what heard about planned district. chuck this case is up row and are working with union pacific. sparks this is one of those billboards that was damaged. replacing damaged last summer in same area. Lacy didn't approve billboard in garfield front area. chuck that was different company. Love isn't that technically in same area. chuck on north side west of garfield.

Mayor Morales opened the public hearing at 11:45 a.m.

Chris Stokes 505 3 Rivers, lamar advertising. lost side by side back to back in a windstorm. since gen mgr lost 2 billboard by wind. wood poles more susceptible. Under cap in spacing they were all be non conforming. valuable billboards to us because of moratorium for most of last year waiting for new sign ord to be written. These poster units are retro posters very popular with community organizations, non profits and local small businesses. letters from both chambers to these locations and approved by p7z. 11 x 22 retro posters. sparks replacement. this replacing two signs taken down on 2400 front street and two more on agenda. replacing things lost. the others will be 1500 feet away from garfield. two signs down less square footage with 3 new signs.

There being no one else wishing to speak, the public hearing was closed R 11:51 a.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9389.

Council Member Love moved approval of the first of two readings of Ordinance No. 9389 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Love, Sparks, Morales, Lacy. NAY: Hotchkiss, Dufford, Robnett. ABSTAIN: None. ABSENT: None.

Robnett vote Nay not abstain.

44. At approximately 10:45 A.M. hold a public hearing and consider an ordinance on a request by Lamar Advertising/Union Pacific #3 for a Specific Use Permit with Term for a

Billboard on Union Pacific Railroad right-of-way, located at Latitude 31.98714 and Longitude -102.09102, Section 34, Block 39, T-1-S, T&P, RR Company Survey, City and County of Midland, Texas. (Generally located on the south side of West Front Street, approximately 180-feet southwest of South "L" Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9390

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LATITUDE 31.98714 AND LONGITUDE -102.09102 OUT OF SECTION 34, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST FRONT STREET, APPROXIMATELY 180 FEET SOUTHWEST OF SOUTH L STREET), WHICH IS PRESENTLY ZONED C-3, COMMERCIAL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; 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

Development Services Director Chuck Harrington gave a brief overview of the item noting replace billboards destroyed by storm. This eluded to in previous item. Billboard met all requirements at time of request. p7z approved.

Mayor Morales opened the public hearing at 11:54 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9390.

Council Member Love moved approval of the first of two readings of Ordinance No. 9390 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Mayor voting against because in this instance plenty in area. How many in certain block if sufficient amount regardless of country and ample room for retail to advertise. Believe we need to clean up and feel sufficient billboard from wall to fairgrounds.

sparks changing zoning. john no sup in same zoning. tehre is another one coming up later. replacing. 11:57

The motion Failed by the following vote: AYE: Love, Sparks. NAY: Hotchkiss, Morales, Dufford, Lacy, Robnett. ABSTAIN: None. ABSENT: None.

45. At approximately 10:48 A.M. hold a public hearing and consider an ordinance on a request by Jose A. Hernandez dba Hacienda Vieja for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 3,738 square feet portion of Lot 2, Block 11, Gardens Addition, City and County of Midland, Texas. (Generally located on the north side of West Michigan Avenue, southwest of Andrews Highway.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9391

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,738 SQUARE FOOT PORTION OF LOT 2, BLOCK 11, GARDENS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST MICHIGAN AVENUE, AND SOUTHWEST OF ANDREWS HIGHWAY), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, IN PART, AND PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT, IN PART, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; 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

Development Services Director Chuck Harrington gave a brief overview of the item noting applicant requesting for alco bev permit used to be Way out West. proposing to put in new mexican food restaurant Hacienda Veija seating capacity 214 seats. s-th 11 to 10 f s 11-11. One loj provided. property owner spoke at ph before p7z concern about pot alcoholic sales close to home as well as hours of operation. P7z rec approval unanimously and staff rec approval. Love anything else around area that serves alcohol. Rosa's Albertsons, Pizza Hut. Lacy are hours what app wants or rec by p7z. this is what p7z rec. applicant has no objection. dufford want normal restaurant hours.

Mayor Morales opened the public hearing at 12:01 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9391.

Council Member Love moved approval of the first of two readings of Ordinance No. 9391 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

Hotchkiss voted yay 7-0.

46. At approximately 10:51 A.M. hold a public hearing and consider an ordinance on a request by Drue Ross for a Special Exception to the Zoning Code concerning the side yard setback requirements, on Lot 6, Block 27, High School Addition, City and County of Midland, Texas. (Generally located southwest of the intersection of West Cuthbert Avenue and North "D" Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9392

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 6, BLOCK 27, HIGH SCHOOL ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST CUTHBERT AVENUE AND NORTH D STREET), BY PERMITTING AN ENCROACHMENT INTO THE REQUIRED SIDE YARD SETBACK FOR AN ADDITION TO A DWELLING; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND

SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting this request homeowner starting project without a permit. He is requesting to place structure on property line without any set back. found no existing hardships created. staff feels sets bad precedence and hate to see any kind of precedence for building on property line. Love one of purposes of set back is for public safety and traffic reasons. Harrington correct and safety between structure.

Steve thorpe chuck talked about why need setback. have we ever granted variance. Steve no. Lacy don't like the ask for forgiveness make sure. Morales how did come about. Steve recieved complaint from concerned citizen. construction on top of existing masonry fence no idea what foundation is. fence doesn't have building requirement. north cinderblock wall is wall of room. Steve its 8 feet above 7-8 tall cinderblock fence. It is framed in. complaint that noticed when construction started on top of fence. Lacy if granted exception would force him to issue construction permit that may not be safe to public. Dufford have to follow all building codes. Robnett what is proper setback. Steve his belief is 8 feet and side yard set back on corner lot is 10 feet. Is Mr. Ross doing construction himself or contractor? Steve Mr. Ross asking as own contractor and hired framers to start project. Not comfortable at all potential safety issue. Biggest issue is precedent setting. Dufford have few come up from time to time and have made them tear it down. Hotchkiss we've had some that are completed that denied request it was sad situation kids built it as surprise but had to remove it. Hotchkiss council member for District 3 drive by every day and concerned about it. thankful staff. caught.

Mayor Morales opened the public hearing at 12:11 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Hotchkiss moved to deny an ordinance on a request by Drue Ross for a Special Exception to the Zoning Code concerning the side yard setback requirements, on Lot 6, Block 27, High School Addition, City and County of Midland, Texas. (Generally located southwest of the intersection of West Cuthbert Avenue and North "D" Street.); seconded by Council Member Lacy.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9392.

Love sedona grill had to remove all awning up to put up without permit. point of ref

Morales if approved what is next step. have to tear down 30 days.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

47. At approximately 10:54 A.M. hold a public hearing and consider an ordinance on a request by Midessa Homes for a zone change from AE, Agriculture Estate District to CE, Country Estate District on a 57.76-acre tract of land out of Section 29, Block 38, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the east side of Todd Drive, approximately 0.75-miles south of East Loop 250 North.)

(DEVELOPMENT SERVICES)

ORDINANCE NO. 9393

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 57.76-ACRE TRACT OF LAND OUT OF SECTION 29, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A CE, COUNTRY ESTATE DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF TODD DRIVE, 0.75 MILES SOUTH OF EAST LOOP 250 NORTH); 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

Development Services Director Chuck Harrington gave a brief overview of the item noting request by David Diaz from Midessa Homes in order to develop property in 33 proposed lots, dev smaller than required by AE. rec by approval of 0p7z no loj. love do we have all appropriate row. chuck will be part of platting.

Lacy oil co tha thas mineral rights, is there an agreement? Chuck las tdiscussion with Mr. Diaz is no still working on but iwll adressed in this is zoning.

Mayor Morales opened the public hearing at 12:15 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9393.

Council Member Love moved approval of the first of two readings of Ordinance No. 9393 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

48. At approximately 10:57 A.M. hold a public hearing and consider an ordinance on a request by Lamar Advertising 8543 for a zone change from AE, Agricultural Estates District to PD, Planned District for an Industrial District on Lot 1, Block 1, Green Acres Addition, City and County of Midland, Texas. (Generally located on the west side of North Highway 349, approximately 500-feet northwest of Arapahoe Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9394

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 1, GREEN ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR AN INDUSTRIAL DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH HIGHWAY 349, APPROXIMATELY 500 FEET NORTHWEST OF ARAPAHOE 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

Chuck applicant proposing to put in billboard on property and wants to encroach from zone change . the property would have to adhere to Ir2 standards. surrounding area consists of ?? 12:17 has not fully been developed. Establishment is permitted by nto typical process used. Staff feels like this case to approve would set a precedent and don't want to get into. recommend denail. p7z rec approval 4-2. Love why think they went this route as opposed to SUP. chuck Ae doesn't allow it so if proposed PD from south to include this property. Love AE doesn't allow billboards. so make zone change request to PDID which allos billboards by right. Chuck the PD aspect is what allows it exxtending this north an area continuation PD where propably would grant industrial zoning. Love this is comp plan suggests this should be residential. made request PDID.

Mayor Morales opened the public hearing at 12:20 p.m.

Chris Stoke Lamar, staff wasn't opposed to this at p7z jsut north is a large oncor power station about 4-5 acres. to south is industrial park. across is cemetary. no houses won't be close. appropriate locaiton. took billboards down within a mile of location in 2014 and would follow mos tof guidelines in new ordinance. don't understand staff objection that asking for zonign change. Lacy new ordinance doesn't conform to spacing. asked boht chambers to support and local real estate agent to support. Hotchkiss you were part of committee. chris hasn't seen. Love removed one across from country club.

Sparks is it sup. chuck it doesnt come under sup. chuck it iwll be a billboard foreve.r Chris support an amendment to make it for term.

There being no one else wishing to speak, the public hearing was closed at 12:25 p.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9394.

Love it were to be denied or die the applicant cannot come back with normal SUP with term becauseof the AE. Would he be able to request another zoning classification and then be able to request SUP with term for billboard. Ohnemiler, if came back for another zone change first question is materially different form zone change before today, if not has to wait one year. If it were hav eto wait 6 months. at that point say zone change another one came through and approved by Council speaking in general terms think could come back under new zonign and ask for SUP assuming it was allowed under new ordinance. Theres a lot of variables.

motion died for lack of motion.

Mayor recessed meeting will be back no sooner than 1;15 p.m.

Council Member moved approval of the first of two readings of Ordinance No. 9394 in accordance with the Charter of the City of Midland; seconded by Council Member .

49. At approximately 11:00 A.M. hold a public hearing and consider an ordinance on a request by MacDonald Companies for an approval of an Apartment Site Plan on Lot 1, Block 2, Southwest Crossing Addition, City and County of Midland, Texas. (Generally located southwest of the intersection of Antelope Trail and Cholla Road.)

(DEVELOPMENT SERVICES)

ORDINANCE NO. 9395

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 1, BLOCK 2, SOUTHWEST CROSSING ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF ANTELOPE TRAIL AND CHOLLA ROAD); SUBJECT TO CERTAIN 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

Development Services Director Chuck Harrington gave a brief overview of the item noting application to rezone property for multi family district. 11 buildings and no issues from traffic standpoint. Meet materials standards, p7z took position of increased density asked for info. applicant construction dog park and playground. p7z rec approve with additional amenities by vote of 6-0. Lacy was affordable housing considered? chuck main consideration was increase amenities. Lacy still like tying to low income housing. Love does staff have concern problem with Loves across street. Chuck adequately protected from sound.

Mayor Morales opened the public hearing at 1:19 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9395.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9395 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

50. At approximately 11:03 A.M. hold a public hearing and consider an ordinance on a request by Pillar Income Asset Management for approval of an Apartment Site Plan on Lot 1C, Block 4, Gateway Plaza Addition, Section 8, City and County of Midland, Texas. (Generally located on the west side of Tradewinds Boulevard, approximately 1,500 feet north of West Business I-20.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9396

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 1C, BLOCK 4, GATEWAY PLAZA ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF TRADEWINDS BOULEVARD, APPROXIMATELY 1,500 FEET NORTH OF WEST BUSINESS INTERSTATE 20); SUBJECT TO CERTAIN 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

Development Services Director Chuck Harrington gave a brief overview of the item noting located behind theatre close to loop 250 proposing to add 4 buildings to 90 unit

phase 2. density 20.83 units per acre. no new amenities but open access to phase one ammenities. rec by p7z to approve by 6-0 vote swtaff concur.

lacy no concessions. chuck they already had existing phase I.

Mayor Morales opened the public hearing at 1:22 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9396.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9396 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

51. At approximately 11:06 A.M. hold a public hearing and consider an ordinance on a request by Simon Property Group for a zone change from PD, Planned District for a Shopping Center to an Amended Planned District on Lot 1R, Block 17, Skyline Terrace Addition, Unit 2, City and County of Midland, Texas. (Generally located southwest of the intersection of West Loop 250 North and North Midkiff Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9397

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1R, BLOCK 17, SKYLINE TERRACE ADDITION, UNIT 2, 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 SOUTHWEST OF THE INTERSECTION OF WEST LOOP 250 NORTH AND NORTH MIDKIFF 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

Development Services Director Chuck Harrington gave a brief overview of the item noting to rearrange ring?? road p7z rec approval 1:24 6-0 staff concurred.

Mayor Morales opened the public hearing at 1:24 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9397.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9397 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

52. At approximately 11:09 A.M. hold a public hearing and consider an ordinance on a City-initiated Street Name Change from Coyote Drive to Cowboy Drive adjacent to Lots 25 through 49, Block 5, Lone Star Trails Addition, Section 2, City and County of Midland, Texas. (Generally located approximately 1,500-feet east of North State Highway 349, east end of Maverick Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9398

AN ORDINANCE CHANGING THE NAME OF COYOTE DRIVE, ADJACENT TO LOTS 25 THROUGH 49, BLOCK 5, LONE STAR TRAILS ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 1,500 FEET EAST OF NORTH STATE HIGHWAY 349, AT THE EAST END OF MAVERICK LANE), TO "COWBOY DRIVE"; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND DIRECTING THE CITY SECRETARY TO SEND THE MIDLAND EMERGENCY COMMUNICATIONS DISTRICT A CERTIFIED COPY OF THIS ORDINANCE

Development Services Director Chuck Harrington gave a brief overview of the item noting two roads with similar names Coyote Drive Coyote Trail proposing Coyote Drive be converted to Cowboy drive. no residences. sent letters to all vacant property owners. Typically provide on developer to do checking of names. staff working hard at it.

Mayor Morales opened the public hearing at 1:27 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9398.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9398 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

53. At approximately 11:12 A.M. hold a public hearing and consider an ordinance on a request by David Nix for a Special Exception to the Zoning Code concerning the side yard setback requirements on Lot 1, Block 114, Wilshire Park Addition, City and County of Midland, Texas. (Generally located southeast of the intersection of West Illinois Avenue and Stonybrook Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9399

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1, BLOCK 114, WILSHIRE PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST ILLINOIS AVENUE AND STONYBROOK AVENUE), BY PERMITTING AN ENCROACHMENT INTO THE REQUIRED SIDE YARD SETBACK FOR TWO ACCESSORY STRUCTURES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting case similar to one discussed before. Staff coming back from previous one and saw this one. This property is proposing to put up two permanent steel structures without building permits because he didn't think it was required. Encroaching into public right of way. rec denial no hardship. Worried about setting precedence and encroaching right of way by structures. Dufford where is encroachment. They were in process of acquiring public row permit. Love think this is worse because it is still because run right into a steel pole.

Mayor Morales opened the public hearing at 1:30 p.m.

David Nix 4827 W Wall, didn't get a permit because contractor said didn't need. Has a row permit for fence to be there. Have 21 signature of neighbors saying okay with. It's inside the fence listen 1:33 said it was . They said permit would be granted by time this committee. Love what saying is if Council voted on it to approve then it would be ready. chuck what may be referring to is row permit so that may be what he's referring to. they still have to look at plans he is referring to row permit for new structure. Morales what made you use still. was going to cover all post with metal siding and can get 30 years. Dufford will fence extend outside fence line. no it will come inside fence. Lacy how long lived on property - since 91. Was any monetary value exchanged to acquire row. love doesn't have he just acquired row use. chuck how far the slope of roof comes out. Chuck don't need them to be dumping water out onto sidewalk. lacy what if required to be guttered up. Sparks no wall. Applicant no connected to house its just covered structure. Hotchkiss anyway can you move it back to comply with ordinance,

There being no one else wishing to speak, the public hearing was closed at 1:40 p.m.

Steve Thorpe intends to keep open so if have ice storm drops on sidewalk may not own forever and becomes enclosed structure as opposed to open porch which causes concern.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9399.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9399 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Courtney when issue row its because fence in row it is not intended for permanent structure to be in row.

Lacy row was for fence and fence can be removed but the structure is permanent. John would not typically do permanent structure to permit this was limited to fence. in terms of permanent structures in row requires row license that ties down to row license and contractual protections. Sparks or you sell or vacate row. Lacy if approve it or not need to go through proper procedure is there liability if someone gets injured. John increased exposure that don't maintain or control in row.

The motion Failed by the following vote: AYE: None. NAY: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. ABSTAIN: None. ABSENT: None.

54. At approximately 11:15 A.M. hold a public hearing and consider an ordinance on a

request by Lockridge Outdoor Advertising, LLC / Cliff Rowe On Appeal for a Specific Use Permit with Term for a Billboard on a 2.86-acre tract of land out of Section 7, Block 39, T-2-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the south side of West Interstate Highway 20, approximately 1,600-feet east of South Loop 250 West.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9400

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 2.86-ACRE TRACT OF LAND LOCATED IN SECTION 7, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST INTERSTATE HIGHWAY 20, APPROXIMATELY 1,600 FEET EAST OF SOUTH LOOP 250 WEST), WHICH IS PRESENTLY ZONED BP, I-20 BUSINESS PARK DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; 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

Development Services Director Chuck Harrington gave a brief overview of the item noting an appeal from p7z. orig request had property located old sign ord talks about property located near sup and this billboard was loated to close to sup. The sup tha twas restricting location of this billboard had expired so no longer in play. They come back now nad make appeal based on circumstnaces have changed would meet requirements now.

Mayor Morales opened the public hearing at 1:47 p.m.

Tony Lockridge 2110 Ranch Rd Austin, excited about last time don't have signs to remove to get approval. Conversation with Council over location was supportive of being near interstate to get traveling public inf or hotels and public access and Loop 250 that feeds restaraunts to north. Knowing deferring a lot of applicaiotns for next month. in his opinion very adequate spacing and leave one single after a year's worth of work. ask vote without deferring it.

There being no one else wishing to speak, the public hearing was closed at 1:49 p.m.

Love question for chuck was vote by p7x taken before mistake was made? chuck vote taken before misteake was found. staff recommending approval. Hotchkiss billboard is down? chuck not yet.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9400.

Council Member Lacy moved to defer to second meeting in February ; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

55. At approximately 11:18 A.M. hold a public hearing and consider an ordinance on a

request by Lamar Advertising 9202 on appeal for a zone change from PD, Planned District for an Industrial District to an Amended Planned District on Lot 1A, Block 17, 349 Ranch Estates Addition, Section 18, City and County of Midland, Texas. (Generally located northeast of the intersection of North Highway 349 and Arapahoe Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9401

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 17, 349 RANCH ESTATES ADDITION, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN INDUSTRIAL DISTRICT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF NORTH HIGHWAY 349 AND ARAPAHOE 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

Chuck Harrington gave a brief overview of the item noting request similar to one heard before intent to use PD district amended to place billboard on property. For all reasons discussed before opposed to it. In this case p7z failed to rec approval by 3-3 vote.

Mayor Pro Tem Love opened the public hearing at 1:53 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9401.

Council Member moved approval of the first of two readings of Ordinance No. 9401 in accordance with the Charter of the City of Midland; seconded by Council Member .

56. At approximately 11:21 A.M. hold a public hearing and consider an ordinance on a request by Lamar Advertising/Union Pacific #2 On Appeal for a Specific Use Permit with Term for a Billboard on Union Pacific Railroad right-of-way located at Latitude 31.98962 and Longitude -102.08630 out of Section 34, Block 39, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the south side of West Front Street, approximately 190 feet southwest of South "G" Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9404

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LATITUDE 31.98962 AND LONGITUDE -102.08630 OUT OF SECTION 34, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST FRONT STREET, APPROXIMATELY 190 FEET SOUTHWEST OF SOUTH G STREET), WHICH IS PRESENTLY ZONED C-3, COMMERCIAL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; 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

Development Services Director Chuck Harrington gave a brief overview of the item noting request Mr. Stokes referred to earlier Union pacific #2. one loj high accident area. failed p7z by 1-5 due to opposition recieved for accidents.

Development Services Director Chuck Harrington gave a brief overview of the item noting request Mr. Stokes referred to earlier Union pacific #2. one loj high accident area. failed p7z by 1-5 due to opposition recieved for accidents.

Mayor Morales opened the public hearing at 1:56 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9402.

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

MISCELLANEOUS

57. Consider an ordinance making certain transfers in various funds of the 2013-2014 Fiscal Year Budget and making certain budget amendments. (FINANCE)

ORDINANCE NO. 9403

AN ORDINANCE MAKING CERTAIN TRANSFERS IN VARIOUS FUNDS OF THE 2013-2014 FISCAL YEAR BUDGET AND MAKING CERTAIN BUDGET AMENDMENTS; AND ORDERING RECORDATION

Finance Director Pam Simecka gave a brief overview of the item noting point of year finalizing financial numbers for fy 14. have funds not budgeted in 14 and here to ask for budget amendment to pay expenditures for those funds. GF construction xfer back 166,814 from construction fudn to gf. cloed projects additional cash. linebary property expended 31,667 did not have budget auth to cover exp for caretaker and other exp. Pam traditionally come at end of year, changing budget process which include TIRZ and muni Court and plan would be in 16 to go ahead and budget some of these so not bakc for same purp. police fund rec \$ from state xfer from fund bal to cover exp mad ein fund. special purp from drug seizures fed and state fundspend 23,184 for equipment so need to cover exp. TIRZ 91278 4.7M fund balance at end of 2014. muni court 43941 adequate fund bal and revenue. intrest and sinking reason went over budget auth was becasue of refunding. Mayor when budget for contingencies and don't use it what hpapens? Pam go back to fund that created it.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9403.

Council Member Love moved approval of the first of two readings of Ordinance No. 9403 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

58. Approved a motion approving a proposed preliminary plat of Diaz Acres, being a 57.76-

acre tract of land out of Section 29, Block 38, T-1-S, T&P R. R. Company Survey, City and County of Midland, Texas. (Generally located on the east side of Todd Drive, approximately 0.75-miles south of East Loop 250 North. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting zone change earlier. this is preliminary plat that requires council action because larger than 25 acres. Op7x unan approved. Two issues one required public improvements and row and they are dedicating 75 feet of row on east side. other issue is getting approval from pioneer natural resources. it impacts several of their lots. otherwise subdivision is usable doesn't affect street layout.

David Diaz, 5101 Sherwood, Ben Sanchez Schuman Engineer. Lacy asked how close to agreement with Pioneer. David felt very close. City ordinance says 500 feet so that is what going to go with. When went to Council they got word and want to talk. Lacy what type of distance. David 135 feet. Morales spoke with their information officer and would like to visit with their staff to make sure what development composed of where their flow lines will go. Can this be done in phases maybe do first 25 acres away from well. David receptive to that. He spoke with Mr. David but he wants to look at everything. Lacy think city can help facilitate that project. He has right to extract oil without an agreement. Not trying to slow it down and positive can reach an agreement. feel more comfortable if in writing prior to voting on it. Dufford part of order if someone wants to build closer then have it. as far as granting exception okay but pioneer needs to know city interested in both parties working together sooner than later. . they made argument in other direction so say 500 feet is not going to work. David not looking to withhold or any taking of mineral right. the pump is there . They would love to be able to move forward to phase one if could get going with anything outside of circle. Htochkiss explain to him can have another well on another side of property. David have not been notified. Sparks if don't have permit within his right to plat and permit so its whoever gets there first, at same time require both parties make genuine attempt to come to an agreement. Mr. Diaz made his attempt and ended up in bureaucracy. Htochkiss see choice is defer to next meeting or vote for part of it. Love or subject to conditions of containing agreement. Sparks it is preliminary and final plat has to come in. how often changes between preliminary and final? Chuck minor changes only. Sparks that is valid concern because even if ended up with 250 that could change a few of the lots. Where did you come up with .59 acres for lots with well head on. Ben Schuman surveyed well head. Ron only think plat with way it is now 500 foot circle, if approve can't approve until gets variance. At that time he get variance for other locations. Sparks by approving not approving any variance. Each home will have a variance on its own. anything inside 500 foot circle will not get permit.

Dufford it works from he can do everything up to inside the 500 foot line. Lacy develop and sell lots. David yes.

Ben Sanchez when approve will final plat from this plat and amend name from Diaz Acres to Vista del Pueblo plat name.

Council Member Lacy moved to approve Approved a motion approving a proposed preliminary plat of Diaz Acres, being a 57.76-acre tract of land out of Section 29, Block 38, T-1-S, T&P R. R. Company Survey, City and County of Midland, Texas. (Generally located on the east side of Todd Drive, approximately 0.75-miles south of East Loop 250 North with amendment to change name from Diaz Acres to Vista del Pueblo; seconded

by Council Member Love.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

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

Morales MDC chair will change at end of month Brent Hlliard will become Chair.

Meeting adjourned at 2:20 p.m.

EXECUTIVE SESSION

back no sooner than 1:15 p.m.

reconvene 1:15 p.m. all Council Members present.

60. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:

All of the business at hand having been completed, the meeting adjourned at ____ p.m.

PASSED AND APPROVED the __ day of ____, 2015.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary