

**MIDLAND CITY COUNCIL
MINUTES
January 27, 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 27, 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 27, 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 10:09 a.m.

1. Invocation - Senior Pastor Larry Long, Fellowship Community Church.
2. Pledge of Allegiance

PRESENTATIONS

Jose Ortiz landfill fire last October recognized members in putting out fire at landfill. and Mayor.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Recognize members from Transportation, Midland Fire Department, Midland County Emergency Management and Greenwood Volunteer Fire Department for their efforts in extinguishing a fire at the Midland Landfill.

PUBLIC COMMENT

Kurt Hamilton 3900 SCR 1135 concerned about disposal piece #30 currently being charged \$30 could charge \$600 per load. avg homeowner not able to pay extreme increase in disposal fee and neglected septic system will back in homes and overflow sewage on ground. like to ask to consider issues while discussing extreme rate increase. will be forced out of treatment plant. asked for separate meeting to discuss further.

Joel Rogers 2200 N H. Santa Rita Hotel. Large cities more crime, traffic immorality and stress. has list of inter sightings proving that statement. Asked council if concerned. quoted magazines. democrats and liberals prefer urban areas. suburban in your face crowd. Santa Rita project is for Midlanders but bring in downtown living and tourism which is urban liberal environment. How will this create a world class city.

Joseph Castillo 3012 Todd Rd, missed first reading #19 on agenda didn't know about it. He and neighbors concern to consider in rezoning of development are to north of his home is water supply. Ask that developer and Council work to understand what aquifer can withstand in water supply. Know it is understress and water supply dramatically diminished. think hydrology study should happen in deciding whether to rezone to handle 50 or 60 homes.

Lonnie Lawrence 18 Santa Fe Place, Mission Durado Ameriflush owns company, discharge septic waste for Midlanders and County here for #30 for fee change of disposal rates. Dispose of domestic waste. It is portable toilets and holding tanks that discharge. Don't understand why trying to raise rates. There is already a charge for domestic waste dumping. Get feeling might have been unscrupulous dumping and think this is why regulations are coming around/. feel greater monitoring would be gauge illegal dumping. There are other cities that don't charge anything they allow you to dump directly into sewer system. another reason oppose it will encourage illegal dumping. another reason is . request fee be put aside and discussed further for ramifications of what will happen.

Karl Reiter 3200 Todd Rd #19 change zoning at Todd Rd from 2 acre to 1 acre would like to consider have developer do work before approve zoning. why change zoning before hydrology study is done. Todd is considered 2 lane but only 1 1/2 lane. road is under public distress. doubling houses doubles septic tanks. think should be studies first.

Milton Larry MR Larry Inc. 807 Executive Court, build large homes and a few small offices. #27 zone change to office on property at Whitman and Mockingbird. He owns one vacant lot that backs up to Mockingbird Oak and has a contract on one of the others. the property is about a half a length of a football field. not opposed to office in this location but would like to see that office to be build all on ground floor so wouldn't have two story windows looking into these properties. Purchased lot because like to build larger homes and some have swimming pools and don't want people looking into the swimming pools.

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

5. Approved a motion approving the following minutes:

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding ; 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.

- a. Regular meeting of January 13, 2015.

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding ; 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.

6. Approved a resolution authorizing the appropriation Airport Funds and reduce Federal Funds to Airport Projects. (FINANCE)

RESOLUTION NO. 2015 - 017

RESOLUTION AUTHORIZING THE APPROPRIATION OF AIRPORT OPERATIONAL FUNDS IN ORDER TO PAY FOR PROJECT ITEMS THAT FEDERAL FUNDS CANNOT COVER AND REDUCING THE AMOUNT OF FEDERAL FUNDS ATTACHED TO SUCH PROJECT ITEMS; AND APPROPRIATING THE CITY'S TEN PERCENT (10%) MATCHING SHARE OF \$50,999.50 TO THE EMERGENCY ROADWAY AND GATE REHABILITATION PROJECT (7082) AT MIDLAND INTERNATIONAL AIR AND SPACE PORT

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding ; 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.

7. Approved a resolution approving a contract for Elevator/Escalator Maintenance at the Midland International Air & Space Port. (PURCHASING)

RESOLUTION NO. 2015 - 018

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR ELEVATOR/ESCALATOR MAINTENANCE AT THE MIDLAND INTERNATIONAL AIR AND SPACE PORT WITH SCHINDLER ELEVATOR CORPORATION OF FORT WORTH, TEXAS, AT A TOTAL COST OF \$89,400.00

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding ; 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.

8. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the demolition of the old Midland County Courthouse, the Midland Executive Center and the Mid-America Building for the General Services Department. (PURCHASING)

RESOLUTION NO. 2015 - 019

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR DEMOLITION OF THE FORMER MIDLAND COUNTY COURTHOUSE (LOCATED ON BLOCK 55, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS), THE MIDLAND EXECUTIVE CENTER (LOCATED ON LOT 13A, BLOCK 27, ORIGINAL TOWN, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS), AND THE MID-AMERICA BUILDING (LOCATED ON LOT 7A, BLOCK 27, ORIGINAL TOWN, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS)

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding ; 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.

9. Approved a resolution approving the purchase of two (2) roll off hoist bodies from the sole bidder, Dickson Equipment Company, Inc., for a total cost of \$84,579.50 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2015 - 020

RESOLUTION APPROVING THE PURCHASE OF TWO (2) ROLL OFF HOIST BODIES FROM DICKSON EQUIPMENT COMPANY, INCORPORATED, AT A TOTAL

COST OF \$84,579.50; AND DICKSON EQUIPMENT COMPANY, INCORPORATED, WAS THE SOLE BIDDER

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding ; 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.

10. Approved a resolution approving the purchase eleven (11) heavy duty cab and chassis' for the Garage Division. (PURCHASING)

RESOLUTION NO. 2015 - 021

RESOLUTION AUTHORIZING THE PURCHASE OF ELEVEN (11) HEAVY DUTY CAB AND CHASSIS FROM FREIGHTLINER OF ODESSA, TEXAS, AT A TOTAL COST OF \$940,099.00

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding ; 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.

11. Approved a resolution authorizing the City Manager to advertise for Request for Qualifications for firms to provide professional services on an as-needed basis to the City of Midland Engineering Services Department for tasks dealing with development, engineering, administration and capital improvement projects related to the City's engineering project review and project development process. (PURCHASING)

RESOLUTION NO. 2015 - 022

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES FOR UP TO THREE FIRMS TO ASSIST THE ENGINEERING SERVICES DEPARTMENT ON AN AS-NEEDED BASIS WITH TASKS RELATED TO THE CITY'S ENGINEERING REVIEW AND PROJECT DEVELOPMENT PROCESS, AND DEALING WITH DEVELOPMENT, ENGINEERING, ADMINISTRATION, AND CAPITAL IMPROVEMENTS PROJECTS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE PROFESSIONAL SERVICES AGREEMENTS FOR SAID SERVICES; AND PROVIDING THAT SAID AGREEMENTS SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding ; 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.

12. Approved a resolution to authorize payment in the amount of \$416,181.61 to Vineyard Reserve LLC in accordance with various Public Improvement Development Agreements with the City and recognizing that much of the work specified by said Agreements has been completed. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 023

RESOLUTION AUTHORIZING PAYMENT TO VINEYARD RESERVE, LLC IN THE AMOUNT OF \$416,181.61; SAID AMOUNT BEING OWED IN ACCORDANCE WITH CERTAIN PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENTS AND A LETTER AGREEMENT BETWEEN THE CITY OF MIDLAND AND VINEYARD RESERVE, LLC, AND BETWEEN THE CITY OF MIDLAND AND FASKEN LAND AND MINERALS, LTD.; VINEYARD RESERVE, LLC AND FASKEN LAND AND MINERALS, LTD. BEING AFFILIATED ENTITIES

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding ; 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.

13. Approved a motion on request by Schumann Engineering Co. Inc. to defer public improvements requested for Midland Hills Addition, and to discount the associated construction costs by \$174,186.00, an amount equal to the full cost of construction. The subject property is generally located on East County Road 60 approximately ½ mile east of the intersection with North County Road 1150. (ENGINEERING SERVICES)

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding ; 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.

14. Approved a motion on request by Schumann Engineering Co. Inc. to defer public improvements for Dunham Acres Addition, and to discount the associated construction costs by \$160,500.00, an amount equal to the full cost of construction. The subject property is generally located on W. State Highway 80, approximately ¾ miles west of the intersection with FM 1788. (ENGINEERING SERVICES)

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding ; 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.

15. Approved a resolution to accept a FY2015 grant award in the amount of \$30,496 from the Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program and appropriate funds (POLICE)

RESOLUTION NO. 2015 - 024

RESOLUTION ACCEPTING A FISCAL YEAR 2015 GRANT AWARD FROM THE SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM IN THE AMOUNT OF \$30,496.00; THIS GRANT WILL BE UTILIZED FOR THE PURPOSE OF ENHANCING AND COORDINATING DRUG CONTROL EFFORTS AMONG FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES TO BETTER COMBAT DRUG TRAFFICKING; AND APPROPRIATING FUNDS

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding ; 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.

16. Approved a resolution authorizing an Operating Certificate for LBMT, LLC to operate a limousine business. (POLICE)

RESOLUTION NO. 2015 - 025

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR LBMT, LLC, TO OPERATE A LIMOUSINE BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding ; 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.

SECOND READINGS

17. Consider an ordinance on second reading 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) (First reading held January 13, 2015)

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9389.

Council Member Love moved to approve the second and final reading 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, Dufford, Lacy. NAY: Hotchkiss, Robnett. ABSTAIN: None. ABSENT: None.

18. Consider an ordinance on second reading 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) (First reading held January 13, 2015)

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9391.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9391 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.

19. Consider an ordinance on second reading 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) (First reading held January 13, 2015)

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9393.

Council Member Love moved to approve the second and final reading of Ordinance No. 9393 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

David Diaz 5101 Sherwood, first addressed properties directly to south. Explained on math 57 acres has a 25 acres buffer between his and other property of Mr. Reiter. He was approached by Mr. Reiter requesting to buy 75 foot buffer and they sold it to him. Lacy his main concern is water is shallow and valid concern of neighbors have you conducted any of the tests. David he has not been asked to do so. there are additional subdivisions in area so went from AE to CE. Not asking for anything that not already done. will be supplied with well water. He has a water well generating 80 gpm. He has a well Reiter produces quite a bit. some 1 acre some 2 and 3 are tracts. Nearest city water supply 1 1/4 miles to west at Hogan. Robnett asked if several property owners could share cost of adding in City water. Property directly to west are all on water wells and septic tanks. They will have 34 lots roughly 2,000 square foot home. House can survive on 5 gpm minimum. Dufford asking for addition 7 homes above what is allowed. Lacy asked if each home restricted to one water well. He will sell lots to builders. Guarantee builders will only put in one water well. Lacy that is why deed restrictions should be put in to limit to one water well. sparks other properties don't have deed restrictions. Love this is zone request he doesn't have to do any of this.

Joseph Castillo there have been several water wells in area that have been dry. what is end game. If not some sort of hydrology study here that confirm can supply homes with water and what will happen to people who have homes. Don't think to have developer have capability study of aquifer. Anything can do to minimize impact to aquifer. Very possible if have not conducted some sort of hydrology study may end up in situation where homes with no water.

Dufford first thing would know what's the water situation. it's up to homeowners.

Karl Reiter, want to go from 2 acres to 1 acre so people in here. Echo number doesn't matter it still has an impact on area. everything else out there is new and have to deal with water wells think before zoning issue some of discovery ought to be done because once changes are made it can't be undone. Hotchkiss the land will be more saleable if know good water supply there. Hotchkiss would purchase unless she knew. David Diaz do you not think you might want to know that answer before sell lots to builders. David just like homeowner will want to know for fact want to know water is available. Hotchkiss instead of doing hydrology they will drill wells. If one acre doesn't have water it will become 2 acre. Lacy they want you to do study to know capacity for area. Morales what does a study cost does it give true reading of whole development. Harrington process would be zone change is low density single family. when you start determining facilities that is done in platting process where apply rules. Love he could ask for something more dense. Mayor need to stick to issue today which is zoning.

Dufford increase density of 7 homes above what can currently do. other issues will be

addressed in platting.

Karl Reitter doesn't make sense that will approve and then deal with it another time if can't design final plat around sewage water plats and roads.

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

20. Consider an ordinance on second reading 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) (First reading held January 13, 2015)

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9395.

Council Member Love moved to approve the second and final reading of Ordinance No. 9395 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.

21. Consider an ordinance on second reading 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) (First reading held January 13, 2015)

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9396.

Council Member Lacy moved to approve the second and final reading 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.

22. 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) (First reading held January 13, 2015)

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9397.

Council Member Sparks moved to approve the second and final reading 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.

23. Consider an ordinance on second reading 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) (First reading held January 13, 2015)

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9398.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9398 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.

24. Fiscal Year 2014 Year end Budget Amendments (FINANCE) (First reading held January 13, 2015)

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9403.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9403 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.

PUBLIC HEARINGS

25. At approximately 10:30 A.M. hold a public hearing and consider an ordinance on a request by Tim Dunn for a zone change from PD, Planned District for a Housing Development to 1F-1, One-Family Dwelling District on a 10.66-acre tract of land out of Section 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located northeast of the intersection of Mockingbird Lane and Mayfield Place.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9404

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 10.66-ACRE TRACT OF LAND OUT OF SECTION 9, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS A 1F-1, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF MOCKINGBIRD LANE AND MAYFIELD PLACE); 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 to rezone from pd2 standard 1f1 zoning retaining 1 lot for midland classical academy. total 30 residential and 1 for academy. staff finds request reasonable p7z rec approval no loj.

Mayor Morales opened the public hearing at 11:00 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9404.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9404 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.

26. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Mr. and Mrs. Hermesmeier for a Specific Use Permit without Term for an Accessory Building for Living or Sleeping Quarters on Lot 2, Block 17, Northwest Acres Addition, City and County of Midland, Texas (Generally located on the north side of Humble Avenue, approximately 300-feet east of Western Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9405

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 2, BLOCK 17, NORTHWEST ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF HUMBLE AVENUE, APPROXIMATELY 300 FEET EAST OF WESTERN DRIVE), WHICH IS PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR AN ACCESSORY BUILDING TO BE USED FOR LIVING OR SLEEPING QUARTERS; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting unique situation. structure currently exists built in 1993 prior to ord that requires sup. this is for elderly family member who resides in structure. want to add another 100 sq ft. p7z rec approval staff concurs. no loj.

Love asked why it wouldn't be without term rather than with term. This is existing that trying to bring into conformity. Mayor have driveway and fenced it? Charles internal. There are specific statements has to be family or guests of primary residence so limits ability to rent out. dufford no other access except through main house.

Mayor Morales opened the public hearing at 11:04 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9405.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9405 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.

27. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by Midland Classical Academy for a zone change from 1F-1, One-Family Dwelling District to O-1, Office District on a 2.83-acre tract of land out of Section 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located northeast of the intersection of Whitman Drive and Mockingbird Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9406

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.83-ACRE TRACT OF LAND OUT OF SECTION 9, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WHITMAN DRIVE AND MOCKINGBIRD LANE); 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 made by Midland classical academy for zone change to o1 office district. rezoned to allow for dev of 2 story office building. located a good stance from any residential property. p7z rec approval no lo opposition. Hotchkiss had circumstances like this where two stories look down into residence but mitigated by distance. Harrington there has not been a sight angle it would be . strictly zone change.

Mayor Morales opened the public hearing at 11:08 a.m.

Milton Larry MR Larry incorporated from drawing from half a football field from edge of building to two storeies. currently building an office for a customer by Academy its quite a distance away. would like for midland classical acadmey is to consider affect on two lots. Dufford could building be flipped. Courtney based on current zoning cna build a two story house. Love its an office right now can build a two story house that could do exact same thing that talking about. there is a large number of windows. Robnett asked if Mr. Larry had discussions with applicants. He stated he had not. If he went single story could get same amount of square footage. make him happy, wouldn't hve to go through cost of elevators and additional cost of putting second floor, cover additional landscaping less property to maintain. cut down on amount of water usage as well.

Kevin Sparks, Discovery operating, anticipate building office building. No previous knowledge that there were any issues so not prepared to speak. Hve looked an ddeveloped structure based upon unusual shap of piece of property. His initial thought was 11:16. on second floor 8 executie offices. have not had opportunity to visit with Mr. loarry to discuss any other possibilities. Morales sound like open to have meeting. want to be good neighbors. Quite a ways down road. substantial changes would be costly.

Mayor maybe window coverings. Dufford or flipping structure. Hotchkiss in other circumstances put up taller trees. Lots across are long deep lots don't know what it will take to screen don't know what is going to happen on other side. Love once again zoning request this happens on platting side. Dufford if approval today there's probably a simple solution not going to slow process down. By time second reading comes around Discovery and Mr. Larry should discuss what might be done.

Chuck Harrington staff did look at this, this isn't approved site plan just a representation. Looked at aspect from 1F1 could be 2 story home within 20 feet of property but look as improvements.

Milton Larry very open to visit with Sparks family about property. If can't be made single story would like to see building be moved further to west and parking lot closer to east.

There being no one else wishing to speak, the public hearing was closed at 11:20 a.m.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9406.

Sparks abstain.

Council Member Love moved approval of the first of two readings of Ordinance No. 9406 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: Sparks. ABSENT: None.

MISCELLANEOUS

28. Approved a motion to approve a proposed Preliminary Plat on North Midkiff Addition, Section 2, being a replat of Lot 1, Block 1, North Midkiff Addition and a 23.02-acre tract of land out of Section 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located northeast of the intersection of Mockingbird Lane and Mayfield Place.) (DEVELOPMENT SERVICES)

Chuck Harrington as discussed during zone change request applicant seeking to redevelop into residential lots. Including four common areas and since proposed plats included private street council approval is required. P7z approved subject to drainage plan approval and ?? 11:22 and include block area in common area B.

Council Member Lacy moved to approve a motion to approve a proposed Preliminary Plat on North Midkiff Addition, Section 2, being a replat of Lot 1, Block 1, North Midkiff Addition and a 23.02-acre tract of land out of Section 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located northeast of the intersection of Mockingbird Lane and Mayfield Place.); 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.

29. Approved a motion appealing the Building Official's denial of a Sign Permit application by Sid Norton Odessa Sign Solution located on 4709 N. Midkiff Road, City and County

of Midland, Texas (Generally located on the west side of N. Midkiff Road, approximately 600-feet north of W. Loop 250 North.) (DEVELOPMENT SERVICES)

Chuck Harrington gave a brief overview of the item noting request made upon decision by building official that it did not meet sign requirements. This is neighborhood services district. allowed single street frontage of 150 or more not exceed 300 sq ft no one sign. At 11:23 app submitted sign package and when to increase sign to 359 sq ft with single free standing sign of ?? has 3 business on block with street frontage making request based on that problem. Applicant requesting 50 sq ft sign for car wash to increase visibility. building official denied request as it did not comply. applicant has not presented any information that show built on basis of hardship of area. the decision to develop 3 business with small street frontage was on business themselves. 59.43 feet increase Mayor.

Chuck in addition to 65 sq foot sign for gas prices and ordinance restricts to 20 sq ft.

Council Member Lacy moved to approve a motion appealing the Building Official's denial of a Sign Permit application by Sid Norton Odessa Sign Solution located on 4709 N. Midkiff Road, City and County of Midland, Texas (Generally located on the west side of N. Midkiff Road, approximately 600-feet north of W. Loop 250 North.); seconded by Council Member Robnett.

Bill Kent 4911 Island Drive, his issue according to ordinance restricted based off frontage on Midkiff. His difference is extremely deep lot. ordinance addresses frontage but not depth. if developed strip center allowed more signage. Have a car wash in rear off road. the new sign ordinance restricts signs to sign based of investment and size of property was not adequate to do what need to do. Asking for a variance. There was a street alley but never maintained they agreed to take over responsibility of street and have since paved it. hoping that all things considered can get a variance. Don't know if change in gas price sign ordinance of 20 sq ft. if reduced from what had in past thinks council needs to take a look at. shrink ability to have same sign size as others. ask council to approve. Mayor any LED. bill yes electronic reader board

Chuck gas price sign size hasn't changed in years. 20 sq feet has been in ordinance for years. Hotchkiss place severe burden on code enforcement if constantly allowing variances from ordinance. Because have to find out for sure if this one has variance makes it harder on staff. Mayor if consolidate signs looks better. Lacy Kents have been great community partners made substantial investment in property in support of his deal.

Mayor trade off on improvement of public road. Bill Ken the only difference is if have ordinance that penalizes somebody that's not doing strip development based off square footage. when buy something that big seems like ordinance may need to be looked at because penalty to owner. Hotchkiss asked staff to address that discrepancy. Chuck that question come up quite a bit. trying to deal with other ordinances that have higher priority. about larger tracts vs smaller narrow tracts. a lot of sign ordinance do make allowances for how back sign is. Make allowance on signs and dimensions. Hotchkiss other lots in town that are long and narrow that allowed variance for signs without doing a variance.

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

30. Consider an Ordinance amending Title III "Departments", Chapter 1, Water Department "Septage Water Hauler Discharges and Fees" (UTILITIES)

ORDINANCE NO. 9407

AN ORDINANCE AMENDING TITLE III, "DEPARTMENTS", CHAPTER 1, "WATER DEPARTMENT", SECTION 27, "SEPTAGE WASTE HAULER DISCHARGES AND FEES", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO REGULATE THE DISCHARGE OF DOMESTIC SEPTAGE AT THE CITY'S WATER POLLUTION CONTROL PLANT; INCORPORATING A THIRTY CENTS (\$.30) PER GALLON SEPTAGE HAULER'S DISCHARGE FEE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF ONE THOUSAND DOLLARS (\$1,000.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9407.

Council Member Love moved approval of the first of two readings of Ordinance No. 9407 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Utilities Director Laura Wilson initiated because of Pioneer Issue and discharge permit. In process of renewing it right now and adjustments have been made. It will be in effect in a few months. On more testing requirements for sludge. First surprised that take septic waste. Take a million gallons of septage a month at plant. Every engineer has advised to shut off of individuals bringing in septic waste. It's an aerobic process. It's not quantity as having slug load of septic waste. Most larger cities don't accept at all. Lubbock as receive that takes load and discharges out over period of time cost 250,000 - 500,000 for cost of unit. Researcher into different areas around and looked at rates. The issue is want to decrease amount of septage so do everything can do to keep everything going. Love first question in staff report talked about how anticipating if rate goes up the amount of disposal will go out but revenues will go up. Laura rate is \$25 load whether 300 gallons for 5,000 gallons. Anticipate each individual load will be \$600 there are other options there is a private septage in Gulf Coast anywhere from \$50 to \$250 for up to 5,000 gallons. Love other options not encouraging dumping. Mayor staff surveyed other cities. Mayor if lived in county how often do dump. Laura every 5 years or so. A lot of people will pop lid and see full of water so get pumped out. Rate payers are subsidizing county residents. Accept any Texas licensed hauler. Mayor are oil companies using this? Laura yes don't. Robert Patrick use increase revenues to build septage receiver so can do testing and release slowly into sewer plant.

Lonnie Lawrence mission dorado. If wanting to eliminate discharge and that is motive then this will do it. If looking for income stream. It's about protecting the system Mayor and not about revenue. Lonnie if its price that protects effluent they will still dump. If wanting to do something to monitor sewage it needs to be done in a different manner such as water test per load. Duford at some point in time spend money to do that. Lonnie do in a reasonable manner talking \$25 load compared to .30 a gallon. Think about lower income people in county. It might be 2-5 years for septic tank your talking about \$300 to empty someones tank that is 1000 gallons the price is going to increase by 30 -- the discharger is not going to be able to absorb that cost. Mayor trying to initiate that program to raise cost so don't use our facility. Sparks with lower pricing \$25 load to \$50

a load for same load if going to Gulf Coast. Lacy average homeowner pays \$300 year for septage and that is not paid for by county. Sparks appropriate to discuss with County to get system put in for citizens not in city limits.

Kirk Hammlton understand there are other disposals available. work in Midland County. in Odessa 1-1000 gallons 6Centers have to truck load sto aOdessa and hve to add additional cost of fuel mileage on trucks so to go up on fee but rate increase also so average homeowner will see an increase average customers has a hard time. 1,000 gallon take one load per time. Love when was last time his company changed rates. Over last few years raised a littl bit every year. Love right now not paying their fair share because city is subsidizing them. Understand it s abusiness economic model for them. but pass along to customer base. Morales for so long been able to get along for free. any kind of price increase even have to go up \$200 and go to Odessa and system gives troubles. One truck hold 2000 gallons rate is on truck capacity if take 500 gallons will be charged \$600 . Laura until metere in place its based on capacity of truck. Understand about wanting to treat water don't understand doesn't make sense a sewer treatment plant not wanting to accept sewer. Love its food and othe rharsh elements. Love disconnect is we don't want it in the system period. Until build acceptance that can slow drip in system and monitor to make everybody safe.

Mayor asked J.ross to sit with Laura to better understand issue and vet out for Council.

Lonnie Lawrence think rate if other companies can do it for 5 or 6 cents then why does Midland need to charge 30 cents. there should be a justification of increasing the price tha tmuch. How much are regulations. Morales the cents they don't want it in staff. Dufford it could be take average of what it cost to dispose of our sewage 3 years \$900. lacy. Lance Green 2201 S Midkiff, process facility there they process septic tank waste for 10 cents a galoon at Midkiff for 10 cents a gallon. Just getting to point that accepting loads. sparks what is capaity. Lance permit allows 160,000 galllons a day.

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

31. Approved a motion appointing a Mayor Pro-Tem. (CITY SECRETARY'S OFFICE)

Council Member Love moved to appoint Scott Dufford as Mayor Pro Tem ; 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.

32. Approved a motion making appointments to various Boards and Commissions. (CITY SECRETARY'S OFFICE)

no appointments

EXECUTIVE SESSION

Recessed to Executive Session at 12:04 p.m.

33. 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:

- a. Section 551.074, Personnel Matters.
 - a.1. Deliberate the employment, evaluation, compensation, and duties of the City Attorney.
- b. Section 551.087 Deliberate Economic Development Negotiations.
 - b.1. Discuss business prospects that the City seeks to have, locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.
- c. Section 551.072, Deliberation Regarding Real Property.
 - c.1. Discuss the sale, exchange, lease or value of real property described as Block 55, Original Town Addition, City and County of Midland, Texas. Block 55 is the site of the former Midland County Courthouse. The Council will discuss the proposed sale of said real property to the Midland Development Corporation and/or Hotel Santa Rita No. 1 Midland Partners, LLC, a Texas limited liability company.

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