

**MIDLAND CITY COUNCIL
MINUTES
January 28, 2014**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on January 28, 2014.

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

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney Keith Stretcher, Deputy City Manager Tommy Hudson, Assistant City Manager Jim Nichols, Assistant to the City Manager Robert Patrick, City Secretary Amy Turner, Police Chief Price Robinson, Fire Chief Robert Isbell, Utilities Director Holly Rosas McGrath, Administrative Services Director Catherine Clifton, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Director Jose Ortiz, Director of Airports Marv Esterly, Planning Division Manager Jim Compton, Building Official Steve Thorpe, GIS Manager Bill Hodge, Public Information Officer Sara Higgins, 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 28, 2014.

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

Staff members present at the annex table: City Manager Courtney Sharp, City Attorney Keith Stretcher, Deputy City Manager Tommy Hudson, and Assistant City Manager Jim Nichols.

The Agenda Items were heard in the following order:

OPENING ITEMS

10:04

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

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Receive a presentation from Midland Retired Seniors Volunteer Program.

PUBLIC COMMENT

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 remarks to no more than three minutes per person.)

CONSENT AGENDA

Council Member Dufford moved to approve Consent Agenda items 5 - 17 excluding 18; seconded by Council Member Lacy.

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

5. Approved a motion approving the following minutes:
 - a. Special meeting of January 13, 2014.
 - b. Regular meeting of January 14, 2014.
6. Approved a resolution authorizing a contract for labor, material, equipment and supervision necessary to purchase and install Ball Field Lighting for Hogan Park Fields #1, #2, #8 and Simons Field from MUSCO Lighting, LLC through Buy Board contract 346-10, in the amount of \$773,400.00 for the Community Services Department and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2014-018

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH MUSCO LIGHTING LLC, OF OSKALOOSA, IOWA FOR LABOR, MATERIAL, EQUIPMENT AND SUPERVISION NECESSARY TO PURCHASE AND INSTALL BALL FIELD LIGHTING FOR HOGAN PARK FIELDS #1, #2, #8, AND SIMONS FIELD THROUGH BUYBOARD AT A TOTAL COST OF \$773,400.00; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM; AND APPROPRIATING FUNDS

7. Approved a resolution approving the issuance of a request for qualifications for a construction manager at risk for the new Municipal Court building. (PURCHASING)

RESOLUTION NO. 2014-019

RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ISSUE A REQUEST FOR QUALIFICATIONS FOR A CONSTRUCTION MANAGER AT RISK FOR THE NEW MUNICIPAL COURT BUILDING

8. Approved a resolution amending Resolution No. 2012-244 authorizing the City Manager or his designee to execute on behalf of the City of Midland, all contracts and agreements with the State of Texas, represented by the Texas Department of Transportation described as Airpark Hangar Expansion which is an improvement contained in the Airport Capital Improvement Program, and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2014-020

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO RESOLUTION NO. 2012-244 AUTHORIZING THE CITY MANAGER TO EXECUTE AND APPROVE ON BEHALF OF THE CITY OF MIDLAND ALL CONTRACTS AND AGREEMENTS WITH THE STATE OF TEXAS, REPRESENTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION AND SUCH OTHER PARTIES AS SHALL BE NECESSARY FOR THE IMPLEMENTATION OF THE PROJECT DESCRIBED AS MIDLAND AIRPARK HANGAR EXPANSION; AND APPROPRIATING FUNDS; SAID AMENDMENT TO INCLUDE CONSTRUCTING 12 T-HANGARS AT THE MIDLAND AIRPARK AIRPORT WITH DRAINAGE IMPROVEMENTS TO THE EXISTING HANGARS THEREBY INCREASING THE TOTAL COST ESTIMATES FOR THIS PROJECT

9. Approved a resolution authorizing a three-year extension contingent upon an amendment to the Non-Exclusive Commercial Fixed Base Operator Lease Agreement between the City of Midland and Basin Aviation. (AIRPORTS)

RESOLUTION NO. 2014 - 021

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE NON-EXCLUSIVE COMMERCIAL FIXED BASE OPERATOR LEASE AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS AND BASIN AVIATION, INCORPORATED, AT MIDLAND AIRPARK AIRPORT

10. Consider a Resolution authorizing payment in the amount of \$53,643.20 to Crosswind Communications, LLC for promotional services (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014 - 022

RESOLUTION APPROVING THE MIDLAND DEVELOPMENT CORPORATION'S PAYMENT IN THE AMOUNT OF \$53,643.20 TO CROSSWIND COMMUNICATIONS, LLC FOR PROMOTIONAL SERVICES.

11. Approved a resolution amending the budget for the Midland Development Corporation's 2013-2014 Fiscal Year. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014 - 023

RESOLUTION APPROVING THE AMENDED FISCAL YEAR 2013-2014 BUDGET OF THE MIDLAND DEVELOPMENT CORPORATION, A TYPE A CORPORATION AS

AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE

12. Consider a Resolution authorizing the execution of an economic development agreement between the Midland Development Corporation and Orbital Outfitters, Ltd.; and authorizing payment therefor. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014 - 024

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND ORBITAL OUTFITTERS, LTD., AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

Council Member Dufford moved to approve Consent Agenda items 5 - 17 excluding 18; seconded by Council Member Lacy.

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

13. Consider a Resolution authorizing the execution of a lease agreement with the City of Midland regarding certain real property located at Midland International Airport and described as an approximate 2 acre tract of land located in Section 8, Lot 1A, Block 3, Industrial Park Regional Air Terminal, Unit 12, Midland, Midland County, Texas. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014 - 025

RESOLUTION APPROVING A SUBLEASE AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND ORBITAL OUTFITTERS, LTD. REGARDING CERTAIN REAL PROPERTY LOCATED AT MIDLAND INTERNATIONAL AIRPORT AND DESCRIBED AS A 1.28-ACRE TRACT OF LAND LOCATED IN LOT 1A, BLOCK 13, INDUSTRIAL PARK REGIONAL AIR TERMINAL, UNIT 12, MIDLAND, MIDLAND COUNTY, TEXAS

14. Consider a Resolution authorizing the execution of a sublease agreement with Orbital Outfitters, Ltd. regarding certain real property located at Midland International Airport and described as an approximate 2 acre tract of land located in Section 8, Lot 1A, Block 13, Industrial Park Regional Air Terminal, Unit 12, Midland, Midland County, Texas. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014 - 026

RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE MIDLAND DEVELOPMENT CORPORATION REGARDING CERTAIN REAL PROPERTY AT MIDLAND INTERNATIONAL AIRPORT AND DESCRIBED AS A 1.28-ACRE TRACT OF LAND LOCATED IN LOT 1A, BLOCK 13, INDUSTRIAL PARK REGIONAL AIR TERMINAL, UNIT 12, MIDLAND, MIDLAND COUNTY, TEXAS

15. Consider a Resolution Amending the Protective Covenants applicable to Entrada Enterprise Park located in Midland International Airport Industrial Park, Section 5, Midland, Midland County, Texas, and ordering recordation. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014 - 027

RESOLUTION APPROVING AN AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS APPLICABLE TO ENTRADA ENTERPRISE PARK LOCATED IN MIDLAND INTERNATIONAL AIRPORT INDUSTRIAL PARK, SECTION 5, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION

16. Approved a resolution calling a special election on May 10, 2014 to fill the unexpired Council Member At Large term. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 028

RESOLUTION CALLING A SPECIAL ELECTION FOR ONE CITY COUNCIL MEMBER-AT-LARGE; PROVIDING FOR USE OF ACCESSIBLE VOTING SYSTEMS; ESTABLISHING ELECTION PRECINCTS FOR SAID ELECTION; AND ESTABLISHING POLLING PLACES FOR SAID ELECTION; SAID ELECTION SHALL BE HELD ON MAY 10, 2014, WITH EARLY VOTING TO BEGIN ON APRIL 28, 2014.

17. Approved a resolution authorizing the City Manager to negotiate, approve and execute the MOUTD Management Services Agreement with McDonald Transit Associates, Inc. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014 - 029

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE MIDLAND-ODESSA URBAN TRANSIT DISTRICT, THE CITY OF ODESSA, THE CITY OF MIDLAND, AND MCDONALD TRANSIT ASSOCIATES, INCORPORATED, RELATED TO THE MANAGEMENT AND OPERATION OF A MOTORBUS SYSTEM IN THE CITY OF ODESSA AND THE CITY OF MIDLAND; AND THE CITY MANAGER AND CITY ATTORNEY ARE AUTHORIZED TO MAKE NON-SUBSTANTIVE MODIFICATIONS TO THE AGREEMENT AS LONG AS THE INTENT IS NOT CHANGED

18. Presentation of schedule for Fiscal Year 2014/2015 Community Development Block Grant (CDBG) Program Funding Cycle. (DEVELOPMENT SERVICES)

sparks april 22 at 7 will be out of town. Sylvester award for great award throughout year. through target area appreciative of Inad. great for affordable housing program not just comm dev staff planning staff, legal, administrative and council for targeting. gave imp to dev a lot more housing.

Council Member moved to approve Presentation of schedule for Fiscal Year 2014/2015 Community Development Block Grant (CDBG) Program Funding Cycle.; seconded by Council Member .

SECOND READINGS

19. Consider an ordinance on second reading on a request by Real Property Resources for a zone change from FD, Future Development District to PD, Planned District for a Housing Development on a 40.498-acre tract of land (Tract 1) out of Sections 37, 38 and 48; from PD, Planned District for a Housing Development to an Amended Planned District on a 5.954-acre tract of land (Tract 2) and from PD, Planned District for a Housing Development to an Amended Planned District for a Housing Development on a 0.270-acre tract of land (Tract 3) all out of Section 37, both out of Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located at the south

extension of Avalon Drive, approximately 700 feet south of Hall of Fame Boulevard.) (DEVELOPMENT SERVICES) (First reading held on November 26, 2013)

ORDINANCE NO. 9210

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 40.498-ACRE TRACT OF LAND OUT OF SECTIONS 37, 38 AND 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, A 5.954-ACRE TRACT OF LAND OUT OF SECTION 37, BLOCK 40, T-1-S, T&P RR CO. SURVEY, AND A 0.270-ACRE TRACT OF LAND OUT OF SECTION 37, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, IN PART, AND PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, IN PART, TO BE USED AS AN AMENDED PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE EAST SIDE OF THE SOUTH EXTENSION OF AVALON DRIVE, APPROXIMATELY 700 FEET SOUTH OF HALL OF FAME BOULEVARD); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Moreno read the caption of Ordinance No. 9210.

Council Member Love moved to approve the second and final reading of Ordinance No. 9210 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Sharla abstain and on 22 heard P&Z.

Lacy are you satisfied with results. Steve yes done remarkable job in cleanup and very pelased with condition of alleys seen over next couple of weeks hope residents keep it that way. may want to check with engineering.

Lacy Ortiz gone out and conducted inspections 8 sections one approved 2 inspected alleys and are satisfied. working diligently on 3,4,5 and except accept and approval fo thso items.

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

20. Consider an ordinance on second reading on a request by Stanley Beard/Corky Allen for a zone change from AE, Agriculture Estate District to PD, Planned District for a Housing Development on a 21.85-acre tract of land out of Section 11, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of North State Highway 349, west of Pueblo.) (DEVELOPMENT SERVICES) (First Reading Held on January 14, 2014)

ORDINANCE NO. 9218

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY

PERMITTING A 21.85-ACRE TRACT OF LAND OUT OF SECTION 11, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH STATE HIGHWAY 349, WEST OF PUEBLO); 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

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9218 in accordance with the Charter of the City of Midland with the amendment to change the minimum lot size from 5,500 square feet to 5,000 square feet; seconded by Council Member Lacy.

Deputy City Secretary Moreno read the caption of Ordinance No. 9218.

Compton had council considered jan 14 following mtg applicant said instead of pd has underlying zoning 1f3 now requesting reduced to 5,000 square feet rather than 55000 staff no objection. no changes to min sq foot of house.

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

21. Consider an ordinance on second reading on a request by Pulman, Cappuccio, Puller, Benson & Jones, LLP for a zone change from O-1, Office District to PD, Planned District for a Office Center on Lots 2 and 3, Block 1, The Vineyard Addition, Section 3, City and County of Midland, Texas. (Generally located on the west side of Holiday Hill Road, approximately 800 feet north of Sherwood Drive.) (DEVELOPMENT SERVICES) (First Reading Held on January 14, 2014)

ORDINANCE NO. 9219

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 2 AND 3, BLOCK 1, THE VINEYARD ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED O-1, OFFICE DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED ON THE WEST SIDE OF HOLIDAY HILL ROAD, APPROXIMATELY 800 FEET NORTH OF SHERWOOD DRIVE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9219 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Deputy City Secretary Moreno read the caption of Ordinance No. 9219.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales,

Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: None.

22. Consider an ordinance on second reading on a request by Jeff Benson for a zone change from PD, Planned District for a Shopping Center to Amended Planned District, on Lot 1A, Block 2, Gateway Plaza, Section 3, City and County of Midland, Texas. (Generally located near the southeast corner of the intersection of Liberty Drive and Starboard Drive.) (DEVELOPMENT SERVICES) (First Reading Held on January 14, 2014)

ORDINANCE NO. 9220

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 2, GATEWAY PLAZA, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF LIBERTY DRIVE AND STARBOARD DRIVE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9220 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Deputy City Secretary Moreno read the caption of Ordinance No. 9220.

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

23. Consider an ordinance on second reading on a request by Kevin Leary & Borgata Partners, LLC for the vacation of a 0.126-acre portion of the right-of-way of Holiday Hill Road adjacent to Lot 1, Block 2, Grandridge Park Addition, Section 1, City and County of Midland, Texas. (Generally located on the west side of the intersection of Holiday Hill Road and North Loop 250 West.) (DEVELOPMENT SERVICES) (First Reading Held on January 14, 2014)

ORDINANCE NO. 9221

AN ORDINANCE VACATING AND ABANDONING A 0.126-ACRE PORTION OF HOLIDAY HILL ROAD RIGHT-OF-WAY ADJACENT TO LOT 1, BLOCK 2, GRANDRIDGE PARK ADDITION, SECTION 1, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF HOLIDAY HILL ROAD AND NORTH LOOP 250 WEST); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$8,235.00; RETAINING A GENERAL PUBLIC UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9221 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Deputy City Secretary Moreno read the caption of Ordinance No. 9221.

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

24. Consider an ordinance on second reading amending Ordinance 9214, Title III, "Departments", Chapter 1, "Water Department" Section 2 "Rates", Subsection (A) "Customers Inside of City Limits", of the City Code of Midland, Texas and ordering publication. (UTILITIES) (First Reading Held on January 14, 2014)

ORDINANCE NO. 9222

AN ORDINANCE AMENDING TITLE III, "DEPARTMENTS", CHAPTER 1, "WATER DEPARTMENT", SECTION 2, "RATES," OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO CHANGE THE RATES CHARGED FOR WATER AND SEWER SERVICES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION; AND THE CITY MANAGER SHALL NOTIFY ALL CUSTOMERS OUTSIDE THE CITY LIMITS AS REQUIRED BY STATE LAW; AND RESCINDING ORDINANCE NUMBER 9214 ON THE DATE THIS ORDINANCE BECOMES EFFECTIVE

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9222 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Deputy City Secretary Moreno read the caption of Ordinance No. 9222.

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

PUBLIC HEARINGS

25. At approximately 10:30 A.M. hold a public hearing and consider an ordinance ON APPEAL on a request by Real Property Resources/Lone Star Trails for a zone change from AE, Agriculture Estate District to PD, Planned District for a Housing Development on a 302.19-acre tract of land and to O-1, Office District on a 15.83-acre tract of land all out of Section 12, Block 39, T-1-S, T&P, RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of State Hwy 349, approximately 840 feet north of Arapahoe Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9223

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 302.19-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; BY PERMITTING A 15.83-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN O-1, OFFICE DISTRICT; SAID TRACTS BEING OUT OF SECTION

12, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 349, APPROXIMATELY 840 FEET NORTH 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

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9223 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Compton two new members of council. much ant zone change regarding proper n big spring proposal for office district and housing development. not coming with rec but asking for direction. Looking at 316 acres adjacent to big spring street from AE to OI appropriate for office. P&z no obj to issue. The second and more interesting item has do do with residential deve pd for housing. P&Z cons jan 6 motion approval failed 3-3. no public opposition expressed at mtg one letter of opposition of 5 notices mailed. looking at 952 residential homes. the other unique is no alleys. orig plat first saw contain 1000 lots 50 feet wide. in neg agreed to inc lot size to reduce density to 952 be deisiging area in 3 different regions. within of 3 regions first area on north side avg lot is 70.4 feet. in second area 62.5 feet in third area 54 feet in width. Ex A includes changes described. No underlying zoning. and had to do with way application was submitted. Within each region lot size vary do not have minimum lot size. Not all lots met min standards of a 1F2 district. P7Z 2 major issues first 4 wells on property and conc about prox to residences. worked with pioneer increased 135 to 250 which still below 500 reuquired in ord. No written agreement between 2 parties. Second issue was lack of alleys. palts without alleys reuquire variance to subdivison code. City Council approved two sig plats without alleys but P&Z struggled with decision. Trade off no alleys but includes larger lots. should zoning be approved then will be briign prel plat at later meeting.

Love Region 3 of residential. region 4 is the office. Love question for Mr. Stretcher one letter out of 5 is 20% and depends on land area. Compton does not meet 20%.

Dufford questions for City Engineer - with amount of housing developed along 349 what doing to address traffic. Jsoe Ortiz putting together traffic impact analysis to address. looking at option to extend fairgrounds from loop 250 north. working on getting participation from different developers for the study. Love only one way in and one way out; correct;. Jim no two entrance on south and on fairgrounds 2 and 2 on big spring. Jose everyone off bign spring initially but further phases will have other access.

no amendments neede dfo rvariances. sparks at this point there is no written agreement between surface and subsurface. correct. Sparks traditionally wante dagreement in place before moving forward. Approp to defer to allow time to get agreement in place before move forward. Dufford or can pprove now and hav eto bring back in two weeks. Hotchkiss isn't there rep here. Melanie Robertson 4800 Sunshine Parkshine Parkway. There is one pending issue regarding finalized pioneer asked be contingent of finalization between 2 parties. Jross how long working on agreement. since jUne or July. satisfied with all agreement. one issue with placement pad that need Beten bough with troy martin. Morales in 2 weeks can have ready? HOefully. Morales asked Keith what repercussion. Keith discussiona bout expectation of approval

and council needs to be cautious even if approve on first needs nothing until approve on second. may want to make clear even though. We're not contract zoning and not giving auth to do zoning. It's been policy as one of factors 11:04 a.m. listen. not giving veto power over zoning. It's a strong factor may want to say not giving any indication of approval. Have ph and consider deferral. Dufford did handle same way with EGI and DR Horton. Keith can't remember think deferred

Ron Jenkins Horton project did defer.

Mayor Morales opened the public hearing at 11:06 a.m.

Kelly Oaks betenbough 5603 champions, the agreement presented has been signed and given back tot hem. waiting on 1.8 tract of land from surveyer to file. Betenbough signed and returned to pioneer. once easement done pioneer will execute. morales sound like feel good about relationship and way project is moving forward. worked very closely with staff to make sure council is provided what they want. Morales if approve today and in two weeks don't have prepared what is consequence. Keith defer to deny or approve. If council does approve make it clear it is no indication of approval of plat or ord on second reading. Your policy has always been wanted agreement finalized before move forward. If going to change and let move forward without agreement.

Love would like rep from pioneer to respond, melanie final surface doc has not been reviewed and one item in agreement all need to be in agreement on. once reviewed by other parties then they will sign.

vicki lowry 4615 Pleasant Drive ABC supply roofing distributor for Betengouh supply them and other buildings for several years. looking to support community and if in slow down affecting them and all other building

jason nolty 10,001 wcr 75 employe 30 employees supply betenbough preengineer roof trusses and wall panels (11:11) came to Midland because of Betenbough. been in partnership with them for over 12 years. When came here wanted to bring our business here and came and moved here for 6 years. Indirect impact betenbough can have all hotels/apts think understand that huge portion of those things are being built by people outside of this city consequently midland losing millions of dollars because of those things. came here to put stamp into local business and economy success directly tied to betenbough and this subdivision. actively pursuing all apts and hotels. They've proven to us that this cooperative thing needed done. urge would be seriously considered huge impact on citizens of midland.

Rick Betenbough, Betenbough Homes, long process we are completely willing to adjust to whatever the city wants. Want to do what marketplace wants. Met with staff. Address pioneer discussion. Do have an agreement in principal a written agreement with Troy martin he's friendly participant gave back 25,000 check to give back to pioneer. He has absolutely agreed to grant them a replacement site. He's agreed to do that. Have to get a survey done and survey working on it. Are and have always been doing what Pioneer needs us to do. Have to make adjustments to accommodate them. Will have agreement in next couple of days.

Love had opportunity to visit with his dad and indicated direction from Council wanted to see larger lot sizes and assume that would be in a particular area if would dev in district

2 so larger lot size is not for entire city district 2 wants affordable 7203 76th street.

There being no one else wishing to speak, the public hearing was closed at 11:16 a.m.

Deputy City Secretary Moreno read the caption of Ordinance No. 9223.

Sparks it does sound like close Betenbough and Pioneer probably should go ahead and proceed and hopefully if run into a snag the developer would defer it before it comes to council in two weeks. Other question for Mr. Compton is approving 1F3 underlying. Compton no sir. established in ord to be dev single family homes and specific front yard and all reg for residential is outlines in ord. Sparks is what seeing here going to be the prel plat? jim yes. the threshold really should not occur until dev agmt in place. would like mr. okas to provide to his office when available.

Morales speaking to hike and bike trail. It is shown on both docs there are proposals to establish common areas that will require Council approval. at Jan 6 meet P&Z could not support zone change and assoc prel plat. if zone change approve have to go back to P&Z with prel zoning and come back to Council. Morales have to create hoa. him yes. Stretcher if Council approves on first reading when Council comes back on second it will be back at P7Z. Preliminary plat will not be associated with second reading. Stretcher if approve zoning and then approve prel plat it is all together. If approve on first reading it will come back for second without a prel plat. Sparks but have these as prel. Jim planned district site plan. JR will have to have another item for preliminary plat. JR makes sure hash out agreement and have before second reading. Stretcher as long as plat follows ord prel plat has to be same don't know if ord is tight enough for all conditions of plat. Keith Council needs to be very clear that will not go into affect until Council approves it. not another public hearing just one reading. Jim and then another item to approval variance of wells.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. 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 Ed Hernandez for a zone change from MH, Manufacture Home District on Lots 1 through 6 and from LR-2, Local Retail District on Lots 7 through 12 to PD, Planned District for a Shopping Center, all out of Block 40, Belmont Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Rankin Highway and West Gist Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9224

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1-12, BLOCK 40, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED MH, MANUFACTURED HOME DWELLING DISTRICT, IN PART, AND LR-2, LOCAL RETAIL DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF RANKIN HIGHWAY AND WEST GIST AVENUE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF

TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9224 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Jim proposal for new shopping center one east side of Rankin. currently zoning Ir2 west and east os mh zoning. propozing zoning is on east side of Belmont residential area. site plan associated with property screen fence on to rpvode buffer to protect neighborhood 6 feet constructed of brick. P7z cons jan 6 and rec approval.

Hotchkiss efas not close to ground issue is sprinkler irrigation there no issue here ceramic tile on bottom.

Jim mailed 14 letters on eletteer of oposition.

Mayor Morales opened the public hearing at 11:27 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Moreno read the caption of Ordinance No. 9224.

Love want to see if applicant/owner present. owners rep thaked for coming tot heir district.

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

27. At approximately 10:36 A.M. hold a public hearing and consider a request for the annexation of a 37.09-acre tract of land out of Sections 7 and 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally on the northeast corner of the intersection of FM 1788 and Loop 40.) (DEVELOPMENT SERVICES)

Mayor Pro Tem Love opened the public hearing at 11:31 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

28. At approximately 10:39 A.M. hold a public hearing and consider a request for the annexation of Lot 3, Block 5, Pecan Acres Addition, Section 5 and of Lots 4A and 4B, Block 5, Pecan Acres Addition, Section 7, Midland County, Texas. (Generally located on the north side of Trenton Drive, approximately 550 feet east of Trobaugh Boulevard.) (DEVELOPMENT SERVICES)

Mayor Morales opened the public hearing at 11:32 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

29. At approximately 10:42 A.M. hold a public hearing regarding a proposed oil and gas permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 #7) located 660 feet from south line and 1911 feet from east line, Section 23, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the west side of Golden Gate Drive, approximately 660 feet north of Briarwood Avenue.) (DEVELOPMENT SERVICES)

ron rev by O7g with coupel rec callon made to rec req landsc var of 18 months and all rec no loj received. well located on property owned by callon. Morale soph 11:34 a.m. cph.

Mayor Morales opened the public hearing at 11:33 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

DEVELOPMENT SERVICES

30. Consider an ordinance adopting the 2012 International Building Code, with amendments; as the building code of the City of Midland. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9225

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 1, "BUILDING CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2012 INTERNATIONAL BUILDING CODE AS THE BUILDING CODE OF THE CITY OF MIDLAND, TEXAS, FOR THE PURPOSE OF REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, EQUIPMENT, USE AND OCCUPANCY, LOCATION, MAINTENANCE, REMOVAL AND DEMOLITION OF BUILDINGS AND STRUCTURES OR ANY APPURTENANCE CONNECTED OR ATTACHED TO SUCH BUILDING OR STRUCTURE; PROVIDING FOR THE INSPECTION OF SAID BUILDINGS OR STRUCTURES, PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE CONSTRUCTION, ALTERATION, REPAIR, EQUIPMENT, USE AND OCCUPANCY, REMOVAL AND DEMOLITION OF SAID BUILDINGS OR STRUCTURES AND COLLECTION OF INSPECTION FEES THEREFOR; ESTABLISHING MINIMUM FLOOR ELEVATIONS FOR CERTAIN STRUCTURES; REQUIRING CASH DEPOSITS TO INSURE SITE CLEARANCE AFTER REMOVAL OR DEMOLITION OF STRUCTURES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM FINE OR PENALTY OF TWO THOUSAND (\$2000.00) DOLLARS; AND ESTABLISHING AN EFFECTIVE DATE OF APRIL 1, 2014; AND ORDERING PUBLICATION

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9225 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

thorpe every 3 years intl cod ecouncil publishes latest edition next 4 items req to adopt latest version. come in front of you on nov 26 put on record in city secretary' office no comments. met with code change committee lots of changes are based on technology and new products. Did hve some things remakable less restrictive. changes are relatively minor. when adopted 3.5 years ago 2009 code jumped 2 codes cycles trying to keep every 3 years and keep current.

Morales want to make sure cos tof building does listen 11:38. Steve not making making rec to adopt 2012 intl energy code wiating for state to do theirs first. state adopted 2009 code of energy code.

Love page 30.25 section D City Council Member CDBG do have formula any objection from staff to taking that formula and hving heirarchy of what streets owuld be paved to

answer questions. Courtney not too sure don't already have established we can sit down with everybody and show what formula is and show list of streets on priority list. Courtney some of those dollars are for streets.. Dufford reason developed is take Ms. Haiely out of criteria. Based on grading system your street is high priority if funds are available.

Deputy City Secretary Moreno read the caption of Ordinance No. 9225.

Sparks is this going to have a second reading yes.

Love appreciative that council taking position used to tell district 2 doesn't pave streets really glad that moved from that.

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

31. Consider an ordinance adopting the 2012 International Plumbing Code, with amendments; as the plumbing code of the City of Midland. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9226

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 3, "PLUMBING CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2012 INTERNATIONAL PLUMBING CODE AS THE PLUMBING CODE OF THE CITY OF MIDLAND FOR THE PURPOSE OF REGULATING THE INSTALLATION, ALTERATION, AND MAINTENANCE OF ALL PIPING AND PLUMBING WITHIN THE CORPORATE LIMITS OF THE CITY OF MIDLAND; PROVIDING FOR THE INSPECTION OF SAID PIPING AND PLUMBING; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE INSTALLATION OF SAID PIPING AND THE COLLECTION OF INSPECTION FEES THEREFOR; PROVIDING FOR THE BONDING OF PERSONS ENGAGED IN THE BUSINESS OF INSTALLING, REPAIRING AND MAINTAINING SAID PIPING OR PLUMBING; PROVIDING FOR APPEALS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2000.00); ESTABLISHING AN EFFECTIVE DATE OF APRIL 1, 2014; AND ORDERING PUBLICATION

Council Member Love moved approval of the first of two readings of Ordinance No. 9226 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Steve adoption of plumbing code.

Deputy City Secretary Moreno read the caption of Ordinance No. 9226.

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

32. Consider an ordinance adopting the 2012 International Fuel Gas Code, with amendments; as the gas code of the City of Midland. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9227

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 4, "GAS CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2012 INTERNATIONAL FUEL GAS CODE AS THE GAS CODE OF THE CITY OF MIDLAND; PROVIDING MINIMUM STANDARDS, PROVISIONS AND REQUIREMENTS FOR GAS PIPING AND APPLIANCES; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE INSTALLATION OF SAID PIPING AND APPLIANCES AND THE COLLECTION OF INSPECTION FEES THEREFOR; PROVIDING FOR BONDING OF PERSONS ENGAGED IN THE BUSINESS OF INSTALLING, REPAIRING AND MAINTAINING SAID PIPING AND APPLIANCES; REGULATING USE OF EXISTING PIPING AND APPLIANCES; PROVIDING FOR CERTIFICATES OF APPROVAL FOR PIPING WORK; PROVIDING FOR APPEALS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ESTABLISHING AN EFFECTIVE DATE OF APRIL 1, 2014; AND ORDERING PUBLICATION

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9227 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Thorpe for adoption of fuel gas code

Deputy City Secretary Moreno read the caption of Ordinance No. 9227.

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

33. Consider an ordinance adopting the 2012 International Mechanical Code, with amendments; as the mechanical code of the City of Midland. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9228

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 10, "MECHANICAL CODE", OF THE CITY CODE OF MIDLAND, TEXAS, AND ADOPTING THE 2012 INTERNATIONAL MECHANICAL CODE AS THE MECHANICAL CODE OF THE CITY OF MIDLAND FOR THE PURPOSE OF PROVIDING MINIMUM STANDARDS, PROVISIONS AND REQUIREMENTS FOR SAFE INSTALLATION AND MAINTENANCE OF MECHANICAL SYSTEMS WITHIN THE CORPORATE LIMITS OF THE CITY OF MIDLAND, TEXAS; PROVIDING FOR THE INSPECTION OF SAID MECHANICAL SYSTEMS; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE INSTALLATION OF SAID MECHANICAL SYSTEMS AND THE COLLECTION OF INSPECTION FEES THEREFOR; PROVIDING FOR APPEALS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2000.00); ESTABLISHING AN EFFECTIVE DATE OF APRIL 1, 2014; AND ORDERING PUBLICATION

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9228 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

thorpe for adoption of 2012 of mechanical code

Deputy City Secretary Moreno read the caption of Ordinance No. 9228.

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

34. Consider an ordinance adopting the 2012 International Residential Code, with amendments; as the residential code of the City of Midland. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9229

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 11, "RESIDENTIAL CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2012 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, AS THE RESIDENTIAL BUILDING CODE FOR THE CITY OF MIDLAND, TEXAS, FOR THE PURPOSE OF REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF ONE-AND TWO-FAMILY DWELLINGS AND TOWNHOUSES IN THE CITY OF MIDLAND, TEXAS, PROVIDING FOR THE ISSUANCE OF PERMITS, THE REVIEW OF PLANS, THE INSPECTION OF FOOTINGS AND FOUNDATIONS AND FRAMING, THE COLLECTION OF INSPECTION FEES THEREFOR; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM FINE OR PENALTY OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE OF APRIL 1, 2014

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9229 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

thorpe req to adopt 2012 intl res code which is an all in one exclusive book used for constr of home ofr listen 11:50

Deputy City Secretary Moreno read the caption of Ordinance No. 9229.

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

MISCELLANEOUS

35. Consider an ordinance authorizing the issuance of "CITY OF MIDLAND, TEXAS, TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2014"; levying an ad valorem tax upon all taxable property within the City and providing for a limited pledge of the net revenues of the City's Waterworks and Sewer System for the payment of said Certificates; prescribing the terms and details of such Certificates and resolving other matters incident and related to the issuance, sale, security, payment and delivery of said Certificates, including the approval of a Paying Agent/Registrar

Agreement and the approval and distribution of an Official Statement pertaining thereto; and providing an effective date. (FINANCE)

ORDINANCE NO. 9230

AN ORDINANCE authorizing the issuance of "CITY OF MIDLAND, TEXAS, TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2014"; levying an ad valorem tax upon all taxable property within the City and providing for a limited pledge of the net revenues of the City's Waterworks and Sewer System for the payment of said Certificates; prescribing the terms and details of such Certificates and resolving other matters incident and related to the issuance, sale, security, payment and delivery of said Certificates, including the approval of a Paying Agent/Registrar Agreement and the approval and distribution of an Official Statement pertaining thereto; and providing an effective date.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9230 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Pam Simecka should find at seat copied latest version of ord both for cert obg as well as ??? bond. What was on agenda was first draft, because can't finalize until work with underwriters. final numbers on ord provided today and should have booklet in graphic/table form the results of bond issues talking about this morning. Purpose today is to request auth to issue general cert of obligation 26M 180t and George Wilford?/ financial advisor to answer specific questions on issue.

George Wilford first southwest company, did price certificates of obligation and refunding bond issue yesterday and should have a book at each place. Most significant is front cover lower left portion. copy of rating behind last tab. Had presentation and rating discussions. Fitch signed AAA rating to COM highest city can have. recognizing a lot of good things and economy is no brainer. More important than that is recognition as S&P of fiscal mgmt of City. They see Midland and Council leadership financially conservative good deserve is recognized.

behind cover pre statement underwriting is wells fargo ryamond james rbc net proceeds of 29M on. Love what is additional proceeds bonds rated in \$5,000 increment. 2nd page is actual debt service associate. discussions centered on mini rally in bond market and were able to take advantage of that yesterday. Annual debt service \$30,000/year savings 3.525% Last week 3.68%

Love anyway possible that this can be done a little bit sooner so council can get info earlier to have opportunity to review it as opposed to right here. Mr. price is best for competitive sales would be this morning in fact underwriters are waiting to tell them if and when an award. so it's really the day before. pricing was around noon hour and final hours 5:30 bond docs were finalized and emailed to City.

City Attorney page 2 section 1 at top there are 6 categories. that is what these COs are limited to. Mr. Love some of the financing is pretty quick but these terms is limited to this section and can't spend it on anything else. Now is the time because once approved locked in.

Dufford money will be used for acquiring installing voice and data info for public info. firefighting facilities pa&r fac, info tech system, constructing streets traffic signalation reviewed what funds will be used for.

Deputy City Secretary Moreno read the caption of Ordinance No. 9230.

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

36. Consider an ordinance authorizing the issuance of "City of Midland, Texas, General Obligation Refunding Bonds, Series 2014"; specifying the terms and features of said bonds; levying a continuing direct annual ad valorem tax for the payment of said bonds; providing for the redemption of certain outstanding obligations of the City; and resolving other matters incident and related to the issuance, sale, payment, and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and the approval and distribution of an Official Statement; and providing an effective date. (FINANCE)

ORDINANCE NO. 9231

AN ORDINANCE authorizing the issuance of "City of Midland, Texas, General Obligation Refunding Bonds, Series 2014"; specifying the terms and features of said bonds; levying a continuing direct annual ad valorem tax for the payment of said bonds; providing for the redemption of certain outstanding obligations of the City; and resolving other matters incident and related to the issuance, sale, payment, and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and the approval and distribution of an Official Statement; and providing an effective date.

Council Member Sparks moved approval of the first and only reading of Ordinance No. 9231 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Pam look to see if can pay off old bond and get present value savings. That is what this item deals with retire 4.420 amount of outstanding bonds and issue 3.8M bonds to help pay off that amount. Significant savings. Policy is general look at 3% or greater on savings bond general obligation refunding bonds. George here to answer questions.

George behind tab 2 issue series 2003 point of ref interest range 3.5 to 4% city will lower percentage savings result on rhs right at 50,000 per year totally 303,557 over next 6 years. last week estimating would be 40,000 per year drop in interest benefit.

Deputy City Secretary Moreno read the caption of Ordinance No. 9231.

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

37. Approved a motion approving a proposed preliminary plat of The Pines at Mira Vista, being a 21.85-acre tract of land out of Section 11, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of N. State Hwy 349, west of Pueblo.) (DEVELOPMENT SERVICES)

Council Member Dufford moved to approve a motion approving a proposed preliminary plat of The Pines at Mira Vista, being a 21.85-acre tract of land out of Section 11, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of N. State Hwy 349, west of Pueblo.); seconded by Council Member Love.

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

38. Approved a motion appointing a Mayor Pro Tempore.
39. Approved a motion making an appointment to the Tax Increment and Reinvestment Zone Board, Midland Development Corporation, Planning and Zoning Commission and consider motions making appointments to all other boards and commissions.

Lacy Taylor Spala Airport Board/Love 6-0

provide packets for next meetin P&Z TIRZ

EXECUTIVE SESSION

recess to Executive sesion 11:57 a.m.

11:56 a.m.

40. 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 Manager, the City Attorney, the City Secretary, the Municipal Court Presiding Judge and the Municipal Court Associate Judge.
 - b. Section 551.072 Deliberation Regarding Real Property.
 - b.1. Discuss the purchase, exchange, lease or value of real property described as Lot 1 less 7.87 acres, Block 1, Westridge Park Addition, Section 1, an addition to the City of Midland, Midland County, Texas.
 - c. Section 551.071 Consultation with the City Attorney
 - c.1. Discuss contemplated litigation involving approximately 508 acres of real property located in Section 28, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas.

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

PASSED AND APPROVED the ____ day of _____, ____.

W. Wesley Perry, Mayor

ATTEST:

Amy M. Turner, City Secretary