

**MIDLAND CITY COUNCIL
MINUTES
February 10, 2015**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on February 10, 2015.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem Scott Dufford (At-Large), Council Member Spencer Robnett (At-Large), Council Member Jeff Sparks (District 1), Council Member 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., February 10, 2015.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem Scott Dufford (At-Large), Council Member Spencer Robnett (At-Large), Council Member Jeff Sparks (District 1), Council Member 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 John Ohnemiller, 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 9:59 a.m.

1. Invocation - Pastor Robert Pase, Grace Lutheran Church.
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Recognition of Stonegate and Crestview members who aided Midlanders after ice storm.

PUBLIC COMMENT

none.

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

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 5 - 31 excluding 11, 15, 28, 29, 32; 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.

5. Approved a motion approving the following minutes:
 - a. Regular meeting of January 27, 2015.
6. Approved a resolution amending the Midland Development Corporation Budget for fiscal year 2015 by increasing contractual services by \$100,000. (FINANCE)

RESOLUTION NO. 2015 - 026

RESOLUTION ACCEPTING PAYMENT FROM THE MIDLAND DEVELOPMENT CORPORATION IN AN AMOUNT NOT TO EXCEED \$100,000 IN ORDER FOR THE CITY OF MIDLAND TO ENTER INTO AN AGREEMENT FOR SPACEPORT SUPPORT SERVICES FOR MIDLAND INTERNATIONAL AIR AND SPACE PORT; PROVIDING THAT SAID MIDLAND DEVELOPMENT CORPORATION EXPENDITURE IS AN ADMINISTRATIVE EXPENSE AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE; AND APPROVING AN AMENDMENT TO THE MIDLAND DEVELOPMENT CORPORATION'S FISCAL YEAR 2014-2015 BUDGET

7. Approved a resolution approving an agreement between the City of Midland, Texas and

SilverWing Enterprises, and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2015 - 027

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH SILVERWING ENTERPRISES LLC TO PROVIDE PROFESSIONAL SERVICES IN SUPPORT OF THE OPERATION OF THE SPACE PORT LOCATED AT MIDLAND INTERNATIONAL AIR AND SPACE PORT; AND APPROPRIATING FUNDS

8. Approved a resolution approving the purchase of one hundred thirty (130) E-Z-GO Golf Carts and trade-in of one hundred thirty (130) E-Z-GO Golf Carts from C & M Air Cooled Engine, Inc. dba C & M Golf and Grounds Equipment through Buyboard contract #447-14 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2015 - 028

RESOLUTION APPROVING THE PURCHASE OF ONE HUNDRED THIRTY (130) E-Z-GO GOLF CARTS, AND THE TRADE-IN OF ONE HUNDRED THIRTY (130) E-Z-GO GOLF CARTS THROUGH BUYBOARD AT A TOTAL COST OF \$341,120.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

9. Approved a resolution awarding a contract to the sole bidder, Valley Irrigation & Pump Service, Inc., for water well service for Paul Davis and Air Terminal Well Fields for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2015 - 029

RESOLUTION AUTHORIZING THE EXECUTION OF A TWO-YEAR CONTRACT, RENEWABLE FOR UP TO THREE MORE YEARS, FOR MAINTENANCE OF WATER WELLS FOR PRODUCTION FOR THE CITY'S WATER SUPPLY WITH VALLEY IRRIGATION & PUMP SERVICE, INCORPORATED, OF SEMINOLE, TEXAS, AT AN ESTIMATED ANNUAL COST OF \$60,000.00

10. Approved a resolution appropriating \$200,000.00 from the General Fund Unappropriated Fund Balance and \$200,000.00 from the Sanitation Fund to the Brush Cleanup Project (9122) for the Solid Waste Department. (PURCHASING)

RESOLUTION NO. 2015 - 030

RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS IN THE AMOUNT OF \$200,000.00 FROM THE UNAPPROPRIATED FUND BALANCE ACCOUNT (5650) OF THE GENERAL FUND (001) AND \$200,000.00 FROM THE SANITATION FUND (430), LANDFILL DIVISION'S (0405) 2015 OPERATING BUDGET TO THE BRUSH CLEANUP PROJECT (9122) FOR THE SOLID WASTE DEPARTMENT

12. Approved a resolution of the City Council of the City of Midland, Texas supporting the proposed Merritt Leisure Housing Development (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2015 - 032

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS SUPPORTING THE PROPOSED MERRITT LEISURE HOUSING DEVELOPMENT; THE APPLICANT IS DDC MERRITT LEISURE, LTD.; THE PROPOSED DEVELOPMENT IS LOCATED AT THE NORTHEAST QUADRANT OF LEISURE

DRIVE AND SOUTH TEXAS LOOP 250 WEST; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

13. Approved a resolution of the City Council of the City of Midland, Texas recognizing prior adoption of the Midland Airport Corridor Community Revitalization Plan (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2015 - 033

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS RECOGNIZING PRIOR ADOPTION OF THE MIDLAND AIRPORT CORRIDOR COMMUNITY REVITALIZATION PLAN; SUPPORTING THE PROPOSED MERRITT LEISURE HOUSING DEVELOPMENT; IDENTIFYING THE PROPOSED MERRITT LEISURE HOUSING DEVELOPMENT AS THE DEVELOPMENT IN THE 2015 TAX CREDIT APPLICATION POOL THAT CONTRIBUTES MOST SIGNIFICANTLY TO THE CONCERTED REVITALIZATION EFFORTS OF THE CITY OF MIDLAND, TEXAS; THE APPLICANT IS DDC MERRITT LEISURE, LTD.; THE PROPOSED DEVELOPMENT IS LOCATED AT THE NORTHEAST QUADRANT OF LEISURE DRIVE AND SOUTH TEXAS LOOP 250 WEST; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

14. Approved a resolution of the City Council of the City of Midland, Texas Committing to make a loan with conditions to DDC Merritt Leisure, Ltd. to pay for costs associated with the proposed Merritt Leisure Housing Development (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2015 - 034

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS COMMITTING TO MAKE A LOAN WITH CONDITIONS TO DDC MERRITT LEISURE, LTD. TO PAY FOR COSTS ASSOCIATED WITH THE PROPOSED MERRITT LEISURE HOUSING DEVELOPMENT; THE PROPOSED DEVELOPMENT IS LOCATED AT THE NORTHEAST QUADRANT OF LEISURE DRIVE AND SOUTH TEXAS LOOP 250 WEST; PROVIDING NO WAIVER OF GOVERNMENTAL IMMUNITY OR SOVEREIGN IMMUNITY; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

16. Approved a resolution regarding Workforce Training Grant to Midland College. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2015 - 036

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND MIDLAND COLLEGE, AS AUTHORIZED BY CHAPTERS 504 AND 501 OF THE TEXAS LOCAL GOVERNMENT CODE, AS AMENDED

17. Approved a resolution authorizing the execution of a sports agreement with West Texas BMX to administer programs, special events, and services related to BMX (Bicycle Motocross) racing and riding. (COMMUNITY SERVICES)

RESOLUTION NO. 2015 - 037

RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH WEST TEXAS BMX TO ADMINISTER PROGRAMS, SPECIAL EVENTS AND SERVICES RELATED TO WEST TEXAS BMX RACING AND RIDING

18. Approved a resolution authorizing the execution of a Sports Agreement with the Texas Cricket Club to administer programs, special events, and services related to cricket. (COMMUNITY SERVICES)

RESOLUTION NO. 2015 - 038

RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH THE TEXAS CRICKET CLUB TO ADMINISTER PROGRAMS, SPECIAL EVENTS AND SERVICES RELATED TO CRICKET

19. Approved a resolution authorizing the execution of a sports agreement with Midland Softball Association, Incorporated, to administer programs, special events, and services related to softball for ages fifteen and older. (COMMUNITY SERVICES)

RESOLUTION NO. 2015 - 039

RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH MIDLAND SOFTBALL ASSOCIATION, INCORPORATED, TO ADMINISTER PROGRAMS, SPECIAL EVENTS AND SERVICES RELATED TO SOFTBALL FOR ADULTS AGES FIFTEEN (15) AND OLDER

20. Approved a resolution authorizing the execution of a sports agreement with the Midland Junior Baseball Association, Incorporated, to administer programs, special events, and services related to baseball for men ages nineteen and younger. (COMMUNITY SERVICES)

RESOLUTION NO. 2015 - 040

RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH MIDLAND JUNIOR BASEBALL ASSOCIATION, INCORPORATED, TO ADMINISTER PROGRAMS, SPECIAL EVENTS AND SERVICES RELATED TO BASEBALL FOR MEN AGES NINETEEN AND YOUNGER

21. Approved a resolution authorizing the execution of a sports agreement with the Midland Soccer Association, Incorporated, to administer programs, special events, and services related to soccer for adults and youth. (COMMUNITY SERVICES)

RESOLUTION NO. 2015 - 041

RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH MIDLAND SOCCER ASSOCIATION, INCORPORATED, TO ADMINISTER PROGRAMS, SPECIAL EVENTS AND SERVICES RELATED TO SOCCER FOR ADULTS AND YOUTH

22. Approved a resolution authorizing the execution of a sports agreement with Midland United Girls Softball Association, Incorporated, to administer programs, special events, and services related to softball for girls. (COMMUNITY SERVICES)

RESOLUTION NO. 2015 - 042

RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH MIDLAND UNITED GIRLS SOFTBALL ASSOCIATION, INCORPORATED TO ADMINISTER PROGRAMS, SPECIAL EVENTS AND SERVICES RELATED TO SOFTBALL FOR GIRLS

23. Approved a resolution authorizing the execution of a sports agreement with the Greater Midland Football League to administer programs, special events, and services related to youth football. (COMMUNITY SERVICES)

RESOLUTION NO. 2015 - 043

RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH THE GREATER MIDLAND FOOTBALL LEAGUE TO ADMINISTER PROGRAMS, SPECIAL EVENTS AND SERVICES RELATED TO FOOTBALL

24. Approved a resolution authorizing the execution of a sports agreement with the Boys and Girls Club of Midland, to administer programs, special events, and services related to flag football and soccer for youth ages eight through twelve. (COMMUNITY SERVICES)

RESOLUTION NO. 2015 - 044

RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH THE BOYS AND GIRLS CLUB OF MIDLAND TO ADMINISTER PROGRAMS, SPECIAL EVENTS AND SERVICES RELATED TO FLAG FOOTBALL AND SOCCER FOR YOUTH AGES EIGHT THROUGH TWELVE

25. Approved a resolution authorizing the execution of a sports agreement with First Baptist Church Upward Flag Football League, to administer programs, special events, and services related to flag football activities for youth and adults. (COMMUNITY SERVICES)

RESOLUTION NO. 2015 - 045

RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH FIRST BAPTIST CHURCH UPWARD FLAG FOOTBALL LEAGUE TO ADMINISTER PROGRAMS, SPECIAL EVENTS AND SERVICES RELATED TO FLAG FOOTBALL ACTIVITIES FOR ADULTS AND YOUTH

26. Approved a resolution authorizing the execution of a sports agreement with Under the Lights Flag Football League to administer programs, special events, and services related to flag football for youth and adults. (COMMUNITY SERVICES)

RESOLUTION NO. 2015 - 046

RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH UNDER THE LIGHTS FLAG FOOTBALL LEAGUE TO ADMINISTER PROGRAMS, SPECIAL EVENTS AND SERVICES RELATED TO FLAG FOOTBALL ACTIVITIES FOR ADULTS AND YOUTH

27. Approved a resolution authorizing the execution of a sports agreement with Stonegate Fellowship to administer services related to flag football for youth and adults (COMMUNITY SERVICES)

RESOLUTION NO. 2015 - 047

RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH STONEGATE FELLOWSHIP TO ADMINISTER PROGRAMS, SPECIAL EVENTS AND SERVICES RELATED TO FLAG FOOTBALL ACTIVITIES FOR ADULTS AND YOUTH

30. Approved a motion on request by Schumann Engineering Co. Inc. to defer public improvements for Mystic Acres Addition, and to discount the associated construction costs by \$44,565, an amount equal to the full cost of construction. The subject property is generally located in Midland County on State Highway 349 (a.k.a., Rankin Hwy) near the intersection with East County Road 150. (ENGINEERING SERVICES)
31. Approved a motion on request by Schumann Engineering Co. Inc. to defer public improvements for Petro Lewis Addition Section 3, and to discount the associated construction costs by \$99,200, an amount equal to the full cost of construction. The subject property is generally located in the City of Midland at 2907 Rankin Hwy (a.k.a., SH 349) at the northeast corner of the intersection with East County Road 114. (ENGINEERING SERVICES)
11. Approved a resolution authorizing the execution of Amendment #7 to Parkhill, Smith & Cooper's Professional Services Agreement. (AIRPORTS)

RESOLUTION NO. 2015 - 031

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER SEVEN TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INCORPORATED, FOR IMPROVEMENTS CONTAINED IN THE AIRPORT CAPITAL IMPROVEMENT PROGRAM; SAID AMENDMENT TO INCLUDE THE FOLLOWING PROJECTS: ACCESS CONTROL SYSTEM AND CABLE UPDATE AND MAF AEROSPACE DEVELOPMENT PARK PROGRAMMATIC ENVIRONMENTAL ASSESSMENT, PHASE I ENVIRONMENTAL SITE ASSESSMENT AND BUILDINGS PS-1 AND PS-2 ASBESTOS SURVEY; AND APPROPRIATING FUNDS

Robnett pulled for more info. Justine started project in 2011 for access control system upgrade. since that time more upgrades needed to add \$24,000 to project. also adds building dmo for spaceport development.

Council Member SparksSparks moved to adopt Resolution No. 2015-031; 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 supporting House Bill No. 80 - Texting While Driving and the Use of Handheld Wireless Communication Devices While Operating a Motor Vehicle. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2015 - 035

RESOLUTION OF THE CITY OF MIDLAND, TEXAS REQUESTING THAT THE TEXAS STATE LEGISLATURE AND THE GOVERNOR OF TEXAS TAKE ACTION TO APPROVE HOUSE BILL NO. 80 WHICH WAS INTRODUCED BY THE HONORABLE TOM CRADDICK IN THE REGULAR SESSION OF THE 84TH SESSION OF THE TEXAS LEGISLATURE

Robnett pulled for individually vote.. Dufford pulled as well.

Council Member Love moved to adopt Resolution No. 2015 - 035; 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.

28. Approved a resolution authorizing the execution of a Lease Agreement by and between the City of Midland, Texas and the Midland Chamber of Commerce. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 048

RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY OF MIDLAND AND THE MIDLAND CHAMBER OF COMMERCE REGARDING LOT 6, BLOCK 37, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS

robnett what are we leasing here. genora parking lot across street and to north

Council Member Robnett moved to adopt Resolution No. 2015 - 048; 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.

29. Approved a resolution authorizing the City Manager to negotiate, execute and file all documents necessary for the conveyance of the donations of two properties from Callon Petroleum Operating Company. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 049

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION FROM CALLON PETROLEUM OPERATING COMPANY OF A 5.00-ACRE TRACT OF LAND OUT OF SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, IN FEE SIMPLE, AND A 7.57-ACRE TRACT OF LAND OUT OF SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AS AN EASEMENT ESTATE (SAID TRACTS BEING GENERALLY LOCATED ON THE NORTHEAST CORNER OF BRIARWOOD AND GOLDEN GATE); AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE DONATION OF SAID PROPERTY AND TO EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACCEPT THE DONATION OF SAID PROPERTY; AUTHORIZING THE CLOSING FOR THE DONATION OF SAID PROPERTY TO BE HELD AT LONE STAR ABSTRACT AND TITLE CO., INC.; AND AUTHORIZING PAYMENT OF ALL CLOSING COSTS RELATED TO THE DONATION OF SAID PROPERTY

Council Member Love moved to adopt Resolution No. 2015 - 049; seconded by Council Member Hotchkiss.

ron donation by callon petroleum donated 5 acres for future firestation briarwood and n goldengate and row. Mayor invited . Lacy has been working with invited Callon

forward. great example of oil company giving back to community and want a safe community. presented a . callon thanked for honor been around 65 tyears and operations are in midland. working with City and appreciate the city.

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

32. Receive and/or discuss the 2014 Midland Police Department Racial Profiling Analysis. (POLICE)

Love pulled to commend Midland Police Dept on being fully compliant with law. testamenet to chief and hard work of staff. also want to make comments racial profiling law is falwed. big hole and huge gap and msot institutions would agree. the other comment is tend to focus on racial profiling and no other aspect. would like to see Midland satisfy the spirit of the law specially racial profiling but treating citizens as if citizens first as opposed to criminals first. that is not happening lal the time but in several instances. happned to his personally.

robnett does not ?? 10:17 a.m.

chief appreciate your input. colelcts more than enough data just to be proactive in looking at issues. switched methods of collecting data that lets collect more data and better tain look out for issues tha tmight become big. any compliants brought it will get fullest attention. Robnett a lot of self reporting . chief keep house in order. Love it is not easy to talk about race in this atmosphere living in 2015. very challenging and little bit uncomfortable but dialogue needs to remain open and glad to see that willing to keep it open.

Council Member moved to approve Receive and/or discuss the 2014 Midland Police Department Racial Profiling Analysis.; seconded by Council Member .

SECOND READINGS

33. Consider an ordinance on second reading 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) (First reading held January 27, 2015.)

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9404.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9404 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

34. Consider an ordinance on second reading on a request by Mr. and Mrs. Hermesmeyer 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) (First reading held January 27, 2015.)

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9405.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9405 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.

35. Consider an ordinance on second reading 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) (First reading held January 27, 2015.)

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9406.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9406 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Love extensive discussion last session ensure any concerns brought up by property owner to SE have been addressed. chuck no discussion. Dufford since not here s

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

36. Consider an ordinance on second reading amending Title III "Departments", Chapter 1, Water Department "Septage Water Hauler Discharges and Fees" (UTILITIES) (First reading held January 27, 2015.)

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 (\$0.30) 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 SueAnn Reyes read the caption of Ordinance No. 9407.

Council Member Love moved to approve the second and final reading of Ordinance No. 9407 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

lacy met with group they don't agree but understand city's position. morales aware of other companies. lacy yes other options.

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

PUBLIC HEARINGS

37. At approximately 10:30 a.m. hold a public hearing regarding a proposed Oil and Gas

Permit to Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Nail "34" #1) located 467 feet from the north line and 467 feet from the east line located in Section 34, Block 38, T-1-N, T&P RR Co. Survey, City of Midland and County of Martin, Texas. (Generally located in the northeastern corner of Section 34, approximately 467 feet west of North County Road 1150.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Lacy abstain next 4 items left chamber.

Ron Jenkins gave a brief overview of the item noting 1 of 4 wells all located on city owned property on ne city limits in pasture area. requesting variance o7g made rec and they are following. variance for slatting inf encing and landscpaing and irrigation until are adeveloped. no loj.

Mayor Morales opened the public hearing at 10:32 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

38. At approximately 10:33 a.m. hold a public hearing regarding a proposed Oil and Gas Permit to Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Nail "34" #2) located 1,980 feet from the north line and 467 feet from the east line located in Section 34, Block 38, T-1-N, T&P RR Co. Survey, City of Midland and County of Martin, Texas. (Generally located in the northeastern corner of Section 34, approximately 467 feet west of North County Road 1150.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting ditto everything is the same.

Mayor Morales opened the public hearing at 10:33 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

39. At approximately 10:36 a.m. hold a public hearing regarding a proposed Oil and Gas Permit to Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Nail "34" #3) located 1,980 feet from the south line and 467 feet from the east line located in Section 34, Block 38, T-1-N, T&P RR Co. Survey, City of Midland and County of Martin, Texas. (Generally located in the northeastern corner of Section 34, approximately 467 feet west of North County Road 1150.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting exact same situation. this well has batter location for all 4 wells. city fire marshall and he will visit throughout the construction.

Mayor Morales opened the public hearing at 10:36 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

40. At approximately 10:39 a.m. hold a public hearing regarding a proposed Oil and Gas Permit to Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Nail "34" #4) located 467 feet from the south line and 467 feet from the east line located in Section 34, Block 38, T-1-N, T&P RR Co. Survey, City of Midland and County of Martin, Texas. (Generally located in the northeastern corner

of Section 34, approximately 467 feet west of North County Road 1150.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting exactly the same.

Mayor Morales opened the public hearing at 10:39 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

41. At approximately 10:42 A.M. hold a public hearing and consider an ordinance on a request by DJK, Inc. for a zone change from LR-2, Local Retail District to LI, Light Industrial District on a 49.32-acre tract of land out of Section 48, Block 41, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the south side of State Highway 191, approximately 0.5-miles west of South FM 1788.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9408

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 49.32-ACRE TRACT OF LAND OUT OF SECTION 48, BLOCK 41, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN LI, LIGHT INDUSTRY DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 0.5 MILES WEST OF SOUTH FARM TO MARKET ROAD 1788); 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

Josh Harrison Endeavor (get address from SueAnn) here on behalf of Endeavor if have any questions.

Development Services Director Chuck Harrington gave a brief overview of the item noting property located on extreme far west portion of corp limits. In etj requesting be allowed industrial district. Eval and found consistent with surrounding properties have done preliminary. This particular land use is in line with what trying to do in area. Rec approval p7z unan rec approval. no loj.

Mayor Morales opened the public hearing at 10:42 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9408.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9408 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.

42. At approximately 10:45 A.M. hold a public hearing and consider a resolution on a

request by Robert Ahola for a Temporary Land Use Permit for a Tent Sale on a 27.31-acre portion of 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)

RESOLUTION NO. 2015 - 050

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A TENT SALE ON A 27.31-ACRE PORTION OF LOT 1, 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); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting request made for annual event for rug sale in parking lot. similar type permit issued last sept. requesting 22 days 40x100ft tent will displace 68 parking spaces and travel trailer for security trailer. in past limited to 15 days and that is what staff recommends. fire marshal will inspect prior to operation.

Mayor Morales opened the public hearing at 10:45 a.m.

Sherry ohia herewutg husband Midland park mall. want to speak about length of permit. when come in have a lot of inventory and creates special event. allows to look at rugs go home and talk with spouse and it takes a while to make a decision. have lots of special sizes and people need to measure and do special ordering for people. while we have a tent its not impulse. wait for paycheck. get all sorts of customers coming back and calling asking when coming back. 2 weeks doesn't allow us to get more rugs brought in for special orders. if want rug additional shipping. offer good prices and can't find in the city. its a special situation where really good buys for good rugs. just need a little time to create that type of market for them. Hire a lot of local help. narrows down to just a few days to try to service people. sonoma california. 450 Paragon Way. 95476

Morales if special order and didn't have how long turn around time. Sherry week to 10 days. 11 actual business days. Hotchkiss what are price range. Sherry \$89 for 5x7 high as \$450 in that size. larger \$225 up to \$1000.

There being no one else wishing to speak, the public hearing was closed at 10:48 a.m.

Love comment understand not only one who has tent sales at mall concerned setting precedent.

Robnett appreciate coming before council and going through proper procedures. a lot of people sometimes don't really appreciate it.

Sherry permit used to be for 3 weeks.

Hotchkiss can see there is a special problem because of higher price range when having to think about \$1000 price range.

Robnett arbitrary responsible operator. what was last group restricted was tent sale

mayor.

Council Member Robnett moved to adopt Resolution No. 2015 - 050; seconded by Council Member Sparks.

were limited last time to 15 days. midland park mall tent sale and carnival.

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

MISCELLANEOUS

43. Approved a motion appealing the Building Official's denial of a sign permit application Vineyard Development located at 5501 Sherwood Drive, Midland, Texas. (Generally located southeast of the intersection of Sherwood Drive and Sandstone Drive.) (DEVELOPMENT SERVICES)

chuck harrington building official denail of sign ordinance each 64 sq feet. they proposed is 3 signs two smaller entry way s signs total 69 sq ft third sign at corner of property. if look at hwile staff can't support violating ord. would say looking at 5 sq ft total. first two signs are identifiers as coming in property. it was deneid if council needs to give direction tobuilding. off

Council Member Sparks moved to approve a motion appealing the Building Official's denial of a sign permit application Vineyard Development located at 5501 Sherwood Drive, Midland, Texas. (Generally located southeast of the intersection of Sherwood Drive and Sandstone Drive.); seconded by Council Member Lacy.

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

Htochkiss not going to vote against this. Keith there was comment vilated ord. its not really because procedure to appeal. bodg official makes determination and it comes to council because approving appeal you are following the ord to the letter.

44. Approved a motion making appointments to various Boards and Commissions, including appointments to the Midland Tax Increment Reinvestment Zone No. 1 (TIRZ) Board of Directors.

Council Member Hotchkiss moved to nominate Love and Dufford unexpired terms in TIRZ; seconded by Council Member Lacy.

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

Council Member Lacy moved to appoint Earl Erdman as Ex Officio member of Airport Board ; 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.

45. At approximately 1:00 P.M. recess and reconvene for a tour of the Wall Street Lofts located at 100 North Main Street, Midland, Texas.

EXECUTIVE SESSION

Mayor Morales announced would reconvene at 1:00 p.m. for wall street lofts tour.

recess to executive session 10: 53

46. 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. Interview candidates for the position of the Presiding Judge of the City of Midland Municipal Court.
 - 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 purchase, exchange, lease or value of real property described as Block 007, All Lots, Original Town Addition, Midland, Midland County, Texas.

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