

**MIDLAND CITY COUNCIL
MINUTES
February 11, 2014**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on February 11, 2014.

Council Members present: Mayor Jerry F. Morales, Council Member Scott Dufford (At-Large), Council Member Jeff Sparks (District 1), Mayor Pro Tem John Love (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 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., February 11, 2014.

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

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

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:03

1. Invocation - Pastor Wayne Keller, Alamo Heights Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

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 Lacy moved to approve Consent Agenda items 5 - 22 excluding 10, 20; seconded by Council Member Sparks.

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

5. Approved a motion approving the following minutes:
 - a. Regular meeting of January 28, 2014.
 - b. Special meeting of January 29, 2014.
6. Approved a resolution approving an agreement with Jeffrey D. Blume, Limited for \$133,000.00 for Hogan Park Golf Course Improvements and Renovations for the Community Services Department and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2014 - 030

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH JEFFREY D. BLUME, LIMITED OF MAGNOLIA, TEXAS AT A TOTAL COST OF \$133,000.00 FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR HOGAN PARK GOLF COURSE IMPROVEMENTS AND RENOVATIONS FOR THE COMMUNITY SERVICES DEPARTMENT; AND APPROPRIATING FUNDS

7. Approved a resolution approving the purchase of one (1) Python PHP 5000 Integrated Asphalt Patching Unit for the Garage Division from Global Environmental Products through the Houston-Galveston Area Council (H-GAC). (PURCHASING)

RESOLUTION NO. 2014 - 031

RESOLUTION APPROVING THE PURCHASE OF ONE (1) PYTHON PHP 5000 INTEGRATED ASPHALT PATCHING UNIT FOR THE GARAGE DIVISION FROM GLOBAL ENVIRONMENTAL PRODUCTS THROUGH THE HOUSTON-GALVESTON

AREA COUNCIL AT A TOTAL COST OF \$292,966.50; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS; AND APPROPRIATING FUNDS

8. Approved a resolution approving the purchase of one (1) complete Type 1 Ambulance for \$182,350.00 and remounting a Type 1 Ambulance body on a Dodge Ram 4500 Diesel DRW cab and chassis for \$79,775.00 for the Garage Division from Dallas Dodge Chrysler Jeep through the Houston-Galveston Area Council (H-GAC) for a total cost of \$262,125.00. (PURCHASING)

RESOLUTION NO. 2014 - 032

RESOLUTION APPROVING THE PURCHASE OF ONE (1) COMPLETE TYPE 1 AMBULANCE IN THE AMOUNT OF \$182,350.00 AND REMOUNTING A TYPE 1 AMBULANCE BODY ON A DODGE RAM 4500 DIESEL DRW CAB AND CHASSIS IN THE AMOUNT OF \$79,775.00 FOR A TOTAL COST OF \$262,125.00 FOR THE GARAGE DIVISION FROM DALLAS DODGE CHRYSLER JEEP THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$262,125.00; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS; AND APPROPRIATING FUNDS

9. Approved a resolution approving the purchase of fifty (50) bunker coats and fifty (50) bunker pants for the Fire Department from Dooley Tackaberry, Inc. through Buyboard contract #363-10 for a total cost of \$95,900.00. (PURCHASING)

RESOLUTION NO. 2014 - 033

RESOLUTION APPROVING THE PURCHASE OF FIFTY (50) BUNKER COATS AND FIFTY (50) BUNKER PANTS FOR THE FIRE DEPARTMENT FROM DOOLEY TACKABERRY, INC. THROUGH BUYBOARD AT A TOTAL COST OF \$95,900.00; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

11. Approved a resolution approving the purchase of thirty (30) Alpha FXM 2000-SNMP UPS battery backup systems for the Transportation Division from Paradigm Traffic Systems, Inc. through Buyboard contract #363-10 for a total cost of \$124,200.00. (PURCHASING)

RESOLUTION NO. 2014 - 035

RESOLUTION APPROVING THE PURCHASE OF THIRTY ALPHA FMX 2000-SNMP UPS BATTERY BACKUP SYSTEMS FOR THE TRANSPORTATION DIVISION FROM PARADIGM TRAFFIC SYSTEMS, INC. THROUGH BUYBOARD AT A TOTAL COST OF \$124,200.00; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

12. 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. 2014 - 036

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

13. 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. 2014 - 037

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

14. Approved a resolution authorizing the execution of a sports agreement with the City of Midland Aquatics, Incorporated, to administer programs, special events, and other services related to swimming in the City of Midland; the term of the agreement is from February 12, 2014, through December 31, 2014; and the contract covers Doug Russell Pool. (COMMUNITY SERVICES)

RESOLUTION NO. 2014 - 038

RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH CITY OF MIDLAND AQUATICS, INCORPORATED, TO ADMINISTER PROGRAMS, SPECIAL EVENTS, AND OTHER SERVICES RELATED TO SWIMMING IN THE CITY OF MIDLAND; AND THE CONTRACT COVERS THE DOUG RUSSELL POOL

15. 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 football. (COMMUNITY SERVICES)

RESOLUTION NO. 2014 - 039

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

16. 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 adults ages fifteen and older. (COMMUNITY SERVICES)

RESOLUTION NO. 2014 - 040

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

17. 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. 2014 - 041

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

18. 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. 2014 - 042

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

19. 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. 2014 - 043

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

21. Approved a resolution authorizing City Staff to renew the Water / Wastewater / FH Taps Project with TEC Excavation, Inc. (second and final renewal) for a term of 6 months in the amount of \$500,000 (City Wide). (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 045

RESOLUTION AUTHORIZING THE SECOND RENEWAL OF THE CONTRACT WITH TEC EXCAVATION, INC. FOR THE WATER, WASTEWATER AND FIRE HYDRANT TAPS PROJECT FOR ONE (1) ADDITIONAL SIX (6) MONTH TERM; AND APPROPRIATING \$500,000 THEREFOR

22. Approved a resolution approving a six-month extension to an existing ROW agreement. (UTILITIES)

RESOLUTION NO. 2014 - 046

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE SIX-MONTH RIGHT OF WAY LICENSE WITH DAWSON GEOPHYSICAL COMPANY, FOR SEISMIC TESTING ACROSS CITY-OWNED PROPERTY IN BLOCK 38-T2-S, SECTIONS 4, 5, 8, 9 AND 10, MIDLAND COUNTY, TEXAS, NEAR THE WATER POLLUTION CONTROL PLANT; SAID AMENDMENT WILL AUTHORIZE A SIX MONTH EXTENSION TO THE ORIGINAL RIGHT OF WAY LICENSE WHICH WAS EFFECTIVE OCTOBER 9, 2013 AND ENDING APRIL 8, 2014

10. Approved a resolution approving a contract for labor, material, equipment and supervision necessary for the turnkey installation of a Splashpad at the Scharbauer Sports Complex from Kraftsman L.P. through Buyboard for a total cost of \$405,750.52. (PURCHASING)

RESOLUTION NO. 2014 - 034

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH KRAFTSMAN, L.P., OF SPRING, TEXAS FOR LABOR, MATERIAL, EQUIPMENT AND SUPERVISION NECESSARY FOR THE TURNKEY INSTALLATION OF A SPLASHPAD AT THE SCHARBAUER SPORTS COMPLEX THROUGH BUYBOARD AT A TOTAL COST OF \$405,750.52; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

sparks pulled because would like to defer for a couple of weeks just saw on briefing and prefer seeing non-safety type issues where media has chance to publicize and get a pulse of what community thinks especially on quality of life issue. if public not into it. don't know how much maint will be and certainly once 4b is up in 2016 will have maint issues and don't know how much maint will be on. Laurie mainly cost of chlorination system. Not ready to vote yay or nay until hear from citizens.

motion dies for lack of second.

Council Member Love moved to adopt Resolution No. 2014 - 034; seconded by Council Member Lacy.

lacy what is timeline for construction. laurie open for season anticipated memorial day. how long working for project. laurie started when funding approved in october looking forward to bid out or do turnkey project. Morales for water. Laurie initial plan repurpose water for irrigation but due to water constraints decided to look into filtration for minimum loss to recirculate water. Morales if do approve will get some response based on comments if public doesn't support then can hear. GHotchkiss concern water use and researched water use and by recirculating it will be minimal water use. cons majority of water lost by evap or by soaking children clothing. I've seen in other towns highly successful very popular. concern is won't be open to public during general hours but explain when would be available. Laurie open during summer this summer and look into expanding into rental prospects and believe people will want to rent for birthday parties and have a picnic area as well as picnic area.

Love reiterate communities surrounding us currently have splash pads. laurie popular low operation no lifeguards no maint cost. odessa, andrews this summer, hobbs (3) big spring. Hotchkiss comp between swimming pool/splash pad water loss. Min pool open we have lose 6 inches of water in a day but splash pad maybe lose 500 gallons in day which is minimal.

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

20. Approved a resolution authorizing the execution of a Professional Service Agreement with Dunaway Associates through the recently approved On-call Engineering Services Program for the conceptual planning of the Fairgrounds Road extension from Pecan Ave. to SH Loop 250. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 044

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH DUNAWAY ASSOCIATES, LP FOR ENGINEERING SERVICES

IN CONNECTION WITH THE WIDENING OF FAIRGROUNDS ROAD FROM PINE AVENUE TO LOOP 250; APPROPRIATING FUNDS FOR SAID FAIRGROUNDS ROAD PROJECT IN THE AMOUNT OF \$4,000,000; AND AUTHORIZING PAYMENT FOR SAID PROFESSIONAL SERVICES IN THE AMOUNT OF \$99,825.00

sparks pulled explain about what doing. what is this covering? just plant? Ortiz summarize project if thorough motor mpo if this proj and alloc 2.5 MD not funding but in works for widenign of fiargrounds pine/loop 250 go from 2 land xsec to 5 lane xsec. because txdot envi studies need to be done. to work with them up agianst clok in summer of 2015 so envir protion 1 1-1/2 years. with oncall services would like to put together enviro plans to start process and set up rfq process for later this year. sparks what syaing txdot earmarked 2.5md for proj? we earmarking 4md for project. Jose 2.5 was not neough for proj will provide \$ on our behalf and combine with state. Are we ask county to step up and pay for part of it? Jose we approached and they were receptive but hav econcerns they have no int in seeing water/sewer lines it would only be fo rconstrucion of roadway.

lacy 2 years out? jose tech break gound next summer. need to meet with txdot spring of next year. morales if don't? jose timing is aginst ciyt if don't let project then state cna relocate funds or can chose to sen dosmewhere else fo rregion. Morales tha tis one of beauty of progrma you have 5 eng co tha thelped facilitate it. jose they are accustomed to project to mvove forward. morales even thosgh may not spend that maount. jose allows to start project and fund avail overall for design. ant be anywhere from . jr row secure, jsoe no. lvoe txdot use it or lose it. morales is row challenging. jose yes. staff cannot approach landowners has to follow their process to be able to be eligible for state or federal \$. Love it's from Pine to Loop. Pecna is alredy 4 lanes wide. sparks appreciate talking about ready to go with it. wnat to point out b4 build needs to be plan onloop 250 5 lanes going there without plan to do something differne tceratin dang situation.

Council Member Sparks moved to adopt Resolution No. 2014 - 044; seconded by Council Member Love.

love will do stop light analysis? jose 10;21 as look at hwy 349 mjoy need to extend fairgrounds to north of loop 250 a signal will be warranted to loop. Love is that traffic analysis include all of fairgrounds? jose no. one proposing wadley north to north dev. it doesn't include fairgrounds to south. Love owuld like to look at fairgroudns to south especialy with enw apt and mobile home cause issue. jose seperate and staff does recognize that nened to look at front I20.

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

SECOND READINGS

23. Consider an ordinance on second reading 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

Deputy City Secretary Adriana Moreno read the caption fo Ordinance No. 9224.

Council Member Love moved to approve the second and final reading of Ordinance No. 9224 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

24. 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

Deputy City Secretary Adriana Moreno read the caption fo Ordinance No. 9225.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9225 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford.

25. 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

Deputy City Secretary Adriana Moreno read the caption fo Ordinance No. 9226.

Council Member Love moved to approve the second and final reading of Ordinance No. 9226 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

26. 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

Deputy City Secretary Adriana Moreno read the caption fo Ordinance No. 9227.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9227 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

27. 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

Deputy City Secretary Adriana Moreno read the caption fo Ordinance No. 9228.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9228 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

28. 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

Deputy City Secretary Adriana Moreno read the caption fo Ordinance No. 9229.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9229 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

PUBLIC HEARINGS

29. At approximately 10:30 A.M. hold a public hearing and consider an ordinance on a request by StoneHawk Capital Partners for a zone change from O-1, Office District on Lot 2, Block 2, Pavilion Park, Section 1; and from PD, Planned District for a Housing Development on Lot 3, Block 2, Pavilion Park, Section 2 to a PD, Planned District for a Housing Development, City and County of Midland, Texas. (Generally located near the southeast corner of the intersection of N. Big Spring Street and Pavilion Parkway.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9232

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2, BLOCK 2, PAVILION PARK, SECTION 1, AND LOT 3, BLOCK 2, PAVILION PARK, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED O-1, OFFICE DISTRICT, IN PART, AND PD, PLANNED DISTRICT FOR HOUSING DEVELOPMENT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND PAVILION PARKWAY); 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

Planning Division Manager Jim Compton gave a brief overview of the item noting request by StoneHawk Capital Partners. One zoned o1 office district other pdhd for

housing district. for apartment devb at standard of 18/units per acre. proposing to build apt complex on both properties subject to mf1 standards if approved come back later for site plans to go through site plan approval process. Alley along south side to vacate and north south alley and lamesa rd as far as street naming goes. Had a chance to review 330 apartments are planned P7z vot and rec uan approval staff conc on rec. jr consolidating zoning only and approving 21 units per acre council approved 22 max so far. Morales they want 21 units an acre. JR are those additional 5 over 21 market rate or affordable housing? jim don't know at this time.

Morales opened the public hearing at 10:37 a.m.

Jesse Petree 519 Solomon Ln live next to where development put in. concern is where will all water go to. currently in flood zone. would like issue addressed.

Jim Compton on site detention basin which is sufficient for grabbing water. Keith this is zone change only if want to tie down need to do?? 10:39 jim property will have to be replatted and will redo study before permit can be issued. Love the area he indicated was completely different piece of property but this one has plans to have retention basin to prevent water run off onto other property is that correct: jim yes. sparks Mr. Stretcher as a Planned Development would we not have chance to address detention basin when come in. Keith only going to see site plan and is extremely limited in authority to grant zone change. site plan is an order if want to say something like site plan approved range is right for drainage plan just go ahead and put it in here then when bring site plan which may be 7-10 years down some future council will appreciate site plan is subject to approval of drainage plan. if you want option now is time to do it if don't then let it go. JR concern is decrease in density of acre is extra five have to go to affordable housing. Morales still public hearing.

Eric West PSC 1700 w wall, rep the stone ?? partners. all asking for is zoning piece. there are other aspects of what will be required to dev property one of which is replatting property to combine two lots into one and provide space for apt complex. In that process the staff through order already in place will require to address drainage issues in their entirety for that lot. What you see on the plan is the expectation of that accommodating drainage. In addition when go to get a building permit then part of building permit process is to require handle drainage on property. Can understand desire to want to attach that to zoning all point out is you have that assurance already through process to achieve a building permit at some point whether as quickly as possible or 10-15 years. that will protect property adjacent to them and take care of runoff adjacent to site. in this case serves a larger purpose to protect more properties than just those around and that is part of plan for entire area.

Love address Mr. Lacy concern with density and affordable housing. West the stone hawk rep should address directly. From a density standpoint will give speech made which is the standard zoning in place is 16/acre is not an economically viable way to dev apts when talking about # of parking spaces and limits to 2 story apt units and amt of space. What you've seen as far back as can remember is trying to increase that to make parking and #/unit balance workout and economically be right mix. Seen everything from 17 to 24/units acre on very small site trying to adjust that. and 3 story apt complex will be proposing 20-21 is what makes 3 story complex with parking work out in terms of acreage. Morales this area if we have drainage plan to give to work with? Eric that started with Master drainage plan which covers water shed?? and pieces 10:46. We've

developed drainage still in process not something been approved by staff but in works. Sharla what seen is city has been aggressive about requirements for drainage to point friends developed set aside enough land to know if advantageous to develop property. as a rule any homeowner around it should be concerned by planning and engineering really do look at that.

There being no one else present wishing to speak, the public hearing was closed at 10:47 a.m.

Deputy City Secretary Adriana Moreno read the caption for Ordinance No. 9232.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9232 in accordance with the Charter of the City of Midland with amendment subject to approval of drainage plan and the plat and site plan by the City Council; seconded by Council Member Love.

with amendment subject to approval of drainage plan and the plat and site plan by the City Council

Brian is additional outside of 16 affordable. don't have any plans for that just in terms of economic need higher higher requested to 10:52 a.m. personal opinion will not approve unless affordable housing over 16 acres its not oil and gas need to be sure offering housing for all citizens.

Eric West 10:53 the plat is what are you asking for Council approval of plat and go through plat and approved at P&Z and not at Council related to getting plat to that point. Wondering why approval of plat needs to be included in Council approval. and in terms of drainage plan discussing briefly at what point drainage vs final and where fits in. I would look for ability to approve actual drainage plan or just saying staff is going to give approval before goes forward? Sparks from his standpoint fine with staff approving drainage plan but can go either way. since going to be looking at other things anyway. If explain how slow process down but from his standpoint staff can approve a drainage plan and it needs to be at aggressive nature that have been doing. David Beard typically way process works is there is conceptual drainage plan and staff approves which sizes the pond. That is what you need to be move forward on a PD. then go into final design on site plan and that is when conceptual to final drainage. Have to have approval of final drainage prior to building permit. David if have to bring back to council has to slow down. Eric none changes how approach project it is an unusual step making sure understand what is happening. Sparks don't know that anyone on Council is qualified to look at drainage plan. Do want to address Mr. Petree concern and that drainage plan will take place and staff will be aggressive in looking at drainage plan and works for are around. Love that is reason seconded from Mr. Petree. Eric no objection just needed clarification.

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

30. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Bobby Cox for a zone change from PD, Planned District for a Transition District to Amended Planned District on Lots 2A and 3A, Block 7; Claydesta Plaza, Section 4, City and County of Midland, Texas. (Generally located near the northwest

corner of the intersection of W. Wadley Avenue and Desta Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9233

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 2A AND 3A, BLOCK 7, CLAYDESTA PLAZA, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED NEAR THE NORTHWEST CORNER OF THE INTERSECTION OF WEST WADLEY AVENUE AND DESTA 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

Planning Division Manager Jim Compton gave a brief overview of the item noting purpose is to allow expansion of Texas Burger on Wadley Avenue. Zoning is planned district for transition district that was set up for opening to LR1 use need to protect more restrict office development had make zoning more compatible. Planned District is subject to 11:00. want to expand zoning to proposing rezone amended planned district subject to and to allow rest with drive through wind rec no site plan. did not want LR 1 would allow convenience store. P&Z rec unanimous approval. jim similar to roasa keep old open while work on new one. Love keep old one opened build a new one and then demolish old one convert to parking.

Mayor Morales opened the public hearing at 11:01 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

with amendment subject to approval of drainage plan and the plat and site plan by the City Council 9233.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9233 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

31. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a City-initiated request for a street name change of Guadalupe Street to Stonebridge Drive adjacent to Lots 14 and 15, Block 2, and Lot 1, Block 3, Adobe Meadows, Section 2 and to Lot 13A, Block 2 and Lot 2A, Block 3, Adobe Meadows, Section 6; and for a street name change of Lamesa Road to Stonebridge Drive adjacent to Lots 2, 4 and 5, Block 1, Lot 3, Block 2, Lots 1 and 11, Block 3, Lot 1, Block 4 and Lots 1, 14, 15 and 21, Block 9, Pavilion Park, Section 2, City and County of Midland, Texas. (Generally located on the north and the south sides of E. Mockingbird Lane, east side of N. Big Spring Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9234

AN ORDINANCE CHANGING THE NAME OF THE GUADALUPE STREET TO "STONEBRIDGE DRIVE" ADJACENT TO LOTS 14 AND 15, BLOCK 2, AND LOT 1, BLOCK 3, ADOBE MEADOWS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, AND TO LOT 13A, BLOCK 2, AND LOT 2A, BLOCK 3, ADOBE MEADOWS, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS; CHANGING THE NAME OF LAMESA ROAD TO "STONEBRIDGE DRIVE" ADJACENT TO LOTS 2, 4 AND 5, BLOCK 1, LOT 3, BLOCK 2, LOTS 1 AND 11, BLOCK 3, LOT 1, BLOCK 4, AND LOTS 1, 14, 15 AND 21, BLOCK 9, PAVILION PARK, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS; SAID STREETS ARE GENERALLY LOCATED ON THE NORTH AND SOUTH SIDES OF EAST MOCKINGBIRD LANE, EAST OF NORTH BIG SPRING STREET; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND DIRECTING THE CITY SECRETARY TO SEND THE MIDLAND EMERGENCY COMMUNICATIONS DISTRICT A CERTIFIED COPY OF THIS ORDINANCE

Planning Division Manager Jim Compton gave a brief overview of the item noting city initiated proposal to change name of streets. In 2005 city council determined lames would not extend beyond loop 250 and is contrary to current plans. Second street called Guadalupe and already has lots and these have no lots address off them. Prel plat south of property that was going to install new collector street Stonebridge rec this portion of lames and Guadalupe be renamed Stonebridge drive and confusion for 911. Lames all way through Guadalupe. Did send letter to abutting prop owners and no neg comments. Love lames rd name change only from Mockingbird at edge of development. Love lamesa rd jumps to west change that too? Jim no. Spark in 2005 city council said lames would not continue of 250 as arterial street. Love does staff anticipate changing lames north of loop 250. Jim that will stay change it will not change. Jim two streets now named lamesa.

Mayor Morales opened the public hearing at 11:07 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9234.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9234 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford.

MISCELLANEOUS

32. Consider an ordinance making certain transfers in various funds of the 2012-2013 budget and making certain budget amendments; and ordering recordation. (FINANCE)

ORDINANCE NO. 9235

AN ORDINANCE MAKING CERTAIN TRANSFERS IN VARIOUS FUNDS OF THE 2012-2013 FISCAL YEAR BUDGET AND MAKING CERTAIN BUDGET AMENDMENTS; AND ORDERING RECORDATION

Finance Director Pam Simecka on final stage of 12-13 budget and are ready to ask to adjust those approved budget will be adjusted to actual exp this occurs at end when have all final numbers. Given summary report by division and what were vs approved budget. If notice numbers have parenthesis have come under only have 3 went over biggest admin tech 7,000 the divisions in gf have done good job of staying under approved budget biggest p&r was due to cutback in personnel cost. also had cutbacks of vacancy position. asking to adjust to reduce auth budget by 208,106 and also had funds that didn't have legal budget and some happened to be law enforcement officer standard and education fund. Didn't approve a budget because comes from muni court fees that go to state amount not known at budget time depend on tickets. appears doesn't budget that but deals with it at this point. also forfeited funds depending on arrests and forfeits come back to city for these purposes and TIRZ didn't have budget hand't been allocating funds so city chose not to budget that have already talked to Genora and will do some kind of TIRZ. muni court tech fund hand't adopted budget base don't court and haven't had much exp in that fund so also being adjusted. purp of ord is to adjust to increase budget auth where nec and decrease where not nec. I hope these funds will not sit in sub accounts. pam sep funds and will go to unappropriated fund balance. Morales good general summary and quarterly should see it. Gave quick snapshot of where at and asked to see it quarterly.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9235.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9235 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford.

33. Receive a presentation from Colby Denison with Denison Development and Construction, Incorporated, and discuss Affordable Housing, including a discussion of Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs and discuss a Revitalization Plan and the needs of certain areas in Midland. Also, the Council may discuss the Texas Department of Housing and Community Affairs 2014 qualified application plan including a resolution of support. (CITY ATTORNEY'S OFFICE)

colby dennison 2508 ____ austin tx excited to present with application and proposed community for meritous estates in Midland. Presented preapplication with tx dept of community affiars. want to tell about project. with Dennison construction and development. Near loop 250 and sports complex. supported affordable housing for Granger McDonald and David Diaz. Tried to focus on area that seems to be growing and provide good locaiton for affordable housing. since last year supported felt would be good locaiton. third page shows closer view.. 4th page prel site plan to see what looking at doing. Looking at 192 units in 3stories. gotten feedback from p&Z from density and shows what doing on 9+ acres of land. Next page is elevation plan. Next page is scoring for TDHCA scoring. competitive program where subgrant to several regions throughout state. They create set of priorities and this year state is over last several years responding to fed lawsuit that violating fair housing laws over last 3 years to focus on low income housing where not normally placed high income census with great schools and not typically where find affordable housing. Chose Midland knowing that

would be needing to play catch up because of relative strength of schools in Odessa and San Angelo. They use TSA scores give each app based on intended zone of site. Preapps turned in Jan. They 8 points behind San Angelo that is exactly because of incomes and school of intended schools. IN past used golf as analogy probably not even in Sundya and important golf left and critical things left before awards are sent. Next slide is how select project. for first time in history give points for resolution of support for project. Because emphasis on ghgh end census tracts gave less emphasis in revitalization projects. they try to balance field provide 6 points for being in revitalization area. next page is map working with civil engineers of initial direction for what already done. If Midland want affordable housing this could help catch up. map shows what tdhc is looking for. HOping to get with city staff to see what think about. Last couple of pages tell about who Merritt Communities is. He cares about projects and owns for long term.

sparks explain the City Commitment of funding. lihtc low income housing tax credit unit. They are looking for commitment of funding per unit. First 11 is based on how much and last 3 is for how you do it. Commitment before apply app is due Feb 28 so they give 2 points if get reso from council via reso and second is type of commitment loan grant in-kind contribution. give preference to city financial commitment that helps long term support such as utility improvements etc. more to 15 year loan than to 5 year loan. Presented attorney some loan docs that could get that way, just one idea of what done in past and are identical to loan docs Travis County approved last year that got awarded. Morales on points of 105 have any communities committed financial assistance. Last year San Angelo and Odessa did not. taking up reso of support and were discussing financial commitment but applicants are in front of Council doing same thing. up to 22/units per acre and 60% will be affordable housing and will max # of units that fed funds will go towards. Jross thanks for coming to City explain process for when awarded project when know? Reiterate turned in preapps Jan 8th to give sense of who is going to apply. Full apps due Feb 28 and at that point everybody has to turn in full conceptual plans full study full schematic arch plans full budgets and idea of what city does or does not want to do. tdhc takes until end of July to do final allocation and final results of scoring process and how it went from Feb 28 and end of July.

sharla excited about possibility thanked for coming. Sparks will have to have resolution. Courtney is council comfortable with moving forward and do want to look at city commitment on funding? two options one with commitment and one without funding commitment. Courtney saw a couple of meetings ago wanted City to donate property. Love but in this instance wanted to donate or sell where in this case could choose loan for infrastructure. Keith that is what Council did on David last project did standard 395 agreement and structure as 15 year loan. but it would be between February 28 and July. Love nobody needs affordable housing like Midland TX and would like to see staff commitment as much resources as possible. Keith another issue they get more points if Council says this is only one supporting. What is time frame Keith supporting this year. One shot and he is only applicant in Midland TX this year. Keith if want to provide financial support in loan. it took long time to work out with David will be on fast track for Feb 25 and cm is saying do you want to do that if you do what is level? Courtney if 120 units went to max of 15,000 per unit that 1.8 M. Jerry may need to have a special meeting to discuss. Keith are you willing to fully back loan? Let's say council said \$250,000 are you willing to back with letter of credit or cash or cashier's check. That is exactly what did with Georgetown and pledge to City as collateral. Love would like to see City pursue option a \$15,000 per unit whether in form of loan or in-kind would like to

work out a couple of options. Mayor say a,b and c. assuming it comes from city and not econ dev. Keith mdc is option but if look at calendar would be tight.

Morales got 3 options a,b,c and rom infrsutructure want to see as soon as can and be ready February 25 meeting. Mr. Dennison what othe rmuni hav edone is provide callateral to bank to make loan to city so don't have to source funds. Have used housing finance corp in other scenarios. Lst thing as far as Feb 28th deadline just need something in place for state for scoring standpoint that gives until end of July to work out what City intends to do. Morales just need letter. support would need to be approved but that is okay gives option A and gives option to change until end of July. Hotchkiss if want to do hav eto do indicate that elaning toward grant in-kind has to be in eltter. courtney special meeting between now nad 25th or package. Put on briefing for 25th.

34. Consider an ordinance amending the official Municipal Budget for Fiscal Year 2013-2014 in order to provide additional funds to Midland Downtown Management District for a Fourth of July event in downtown Midland; the additional funding provided will help promote tourism in the City of Midland. (CITY SECRETARY'S OFFICE)

ORDINANCE NO. 9236

AN ORDINANCE AMENDING THE OFFICIAL MUNICIPAL BUDGET FOR FISCAL YEAR 2013-2014 IN ORDER TO PROVIDE ADDITIONAL FUNDS TO THE DOWNTOWN MIDLAND MANAGEMENT DISTRICT FOR A FOURTH OF JULY EVENT IN DOWNTOWN MIDLAND; THE ADDITIONAL FUNDING PROVIDED WILL HELP PROMOTE TOURISM IN THE CITY OF MIDLAND; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE DOWNTOWN MIDLAND MANAGEMENT DISTRICT

Courtney this iwll be third year Chamber has done 4th of July event. first year council committed 25000 for event second year requested addtional 25,000 only budged 25,000 out of h/m leftover. at time dmmd was applying for their dollars to award left it at 25,000 so there is 25,000 currently available to fund chamber and staff requesting addtional be included to bump up to 25,000. 5k 10k in morning and hcildrens parade downtown and vendors are set up good event.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9236.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9236 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

35. Approved a motion appealing the Building Official's denial of a sign permit application by Alamo Heights Baptist Church located on 1305 N. Midland Drive. (Generally located on the southwest corner of the intersection of Princeton Avenue and Midland Drive.) (DEVELOPMENT SERVICES)

Plannign Division Manager Jim Compton Alamo Baptist Chruch located on requested sign permit electronic message center sign 36 sq ft on top of exisitn gisgn because sign

code only allow sup to 24 sq ft building official required to decline their permit church appelaed to City Council. Supporting building official. Lower structure is how wide 14'8" 5 feet tall. church is showing hardhsip that reg imposed upon them. sharla know in past years on Neely surrounded by residential denied a sign for them which was uphold as City council. The one at first baptist was twice as large. its parking across from the sign.

Wayne keller 2507 Idyllwild drive. last occcasion to attend city recognize bob trimble and work of christmas in action. appreciate wisdom of city reco contirbution. s church as for consideration with permission would like to read letter of petition. Alamo heights trying to join 21st century. Read letter. Churches across City have joined want messaging easy to read at normal speeds. concerned about welfare of church property advertise events nad programs helpful to passers by. Make neighborhood children/youth aware of events to dev into prod citizens. request cons request for exception to erect sign.

Is sign capable of pictures? Pstor pictures and full color. plan is to change mssage at certain interval? (Sparks) haven't talked about that but understand in commercial sign tha tmust stay up certian amount of time owuld comply with whatever regulations needed CM 8 seconds. Love would be for churchs use only or use advertisement. PUrly for church.

Hotchkiss any letters/ jim none.

Council Member Love moved to approve a motion appealing the Building Official's denial of a sign permit application by Alamo Heights Baptist Church located on 1305 N. Midland Drive. (Generally located on the southwest corner of the intersection of Princeton Avenue and Midland Drive.); seconded by Council Member Lacy.

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

36. Consider an ordinance on a request by NBY Rankin Hwy, Midland, LLC for the vacation of the 0.14-acre north/south alley adjacent to Lots 1 through 12, Block 40, Belmont Addition, City and County of Midland, Texas. (Generally located on the east side of Rankin Hwy, between W. Gist Avenue and W. Stokes Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9237

AN ORDINANCE VACATING AND ABANDONING A 0.14-ACRE NORTH/SOUTH ALLEY ADJACENT TO LOTS 1-12, BLOCK 40, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF RANKIN HIGHWAY, BETWEEN WEST GIST AVENUE AND WEST STOKES AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$12,196.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Planning Division Manager Jim Compton gave a brief overview of the item noting will replat entire block and proposal is to vacate row. there are utilities in the area and since not retaining utility easement will have to relocated at applican't expense. according to mcad \$2 sq ft staff rec approval of request.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9237.

Council Member Love moved approval of the first of two readings of Ordinance No. 9237 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

37. The City Council shall consider a motion on whether the financial backing, financial term sheet and/or commitment submitted by or on behalf of 301 Ventures, L.L.C. complies with the Agreement between the City of Midland and 301 Ventures, L.L.C. The evidence of adequate financial backing of the individual or entity constructing the Fuel Hotel was to be provided to the City of Midland by February 1, 2014. This evidence was to include current documentation from a bank or other lending institution stating that they are providing a specific funding level to support the hotel project without disclaimers, caveats, or exceptions. 301 Ventures, L.L.C. is sometimes referred to as Texas 301 Ventures, L.L.C. in the contract documents. (DOWNTOWN DEVELOPMENT)

Genora staff seeking guidance and direction regarding docs received based on language from 301 ventures. statement in disclaiming says expression to lend money and not commitment. based on monday following february 1 need guidance as to how to move forward at this time. Came before Council in October seeking extension of deadlines and did extend deadlines this deadline was supposed to have been feb 1 and next deadline is March 1. Morales any current docs? Genora no only what presented. Jim Nichols if Council determines doc does not comply with requirements of contract that means City retains building of southwest would still be required to demolish it but prior commitment to provide parking would cease at that point.

Patrick Cordero 1606 McClintick, thanks for opportunity to address. brought with from CA lona broker Tony Juan and lender Andrew Ying. They both here to discuss letters received and gave another letter with regard to a commitment. Can explain process of where at. From lending standpoint that is what need to discuss. Morales this document handed what is included. Patrick more detailed. Important to understand how process works. A lot of things that have been asked for are closing items. To help explain process want them to explain do have financing committed since January 24 but to go into details would like to go over with Council.

Andrew Young Los Angeles CA, Mayor received letter not signed and some clarity what is going on. Andrew Young managing partner not a lending institution make short term lending loans based on value of property. Approached for tentative commitment based on tentative docs. let's look into it. issued one page term sheet January 24 upon further discussion with Fuel Group and further compiling of underswriting docs to look into we were notified needed something more formal and that is what done today. compiled more doc regarding financial wherewithal of builder, project itself and visited property today. Mayor once seen property very supportive and willing. Young it works make sense in market place would be different then what's available. sponsor and builders pledged offered to put more wherewithall besides asset volunteered other things to make it more attractive. Love prepared today to execute financial docs to. Young few punch list items that have to take care of. Want to fund it want to make loan final step would be drawing loan docs at time of closing. offering 3 year 9.25% third party builders control account and oversee construction draws as take place. Love prepared to make

commitment by groundbreaking March 1? Young that is moving fast but can do that. Courtney while asking are we locked into any dates. Morales can council make date changes? Keith yes. Courtney agreement attached to agenda item executed by Council that sets out dates but can extend dates. Morales we can defer as an option. Stretcher if defer can go to 25th and still can get to March 1st deadline. Sparks the question is did they meet their deadline and clear they did not. Sparks he is not prepared to make a loan without additional items. The agreement we agreed to in October didn't get signed until November. We continue to extend deadlines. Morales what is the hurry? Sparks personal opinion is start all over because wasn't prepared. Agreement then null and void. They need to start all over get stuff together before have an agreement with dates that will be adhered to because nothing has been adhered to.

Morales applicant. ?? Cumar 12:10 p.m. 3235 Los Palos Los Angeles, presented plan to city. engaged after got parking agreement finalized and sign from both parties approached different lenders and got approved about 2 weeks ago for funding. The full commitment only happens when sign loan docs still moving forward with project invested too much money to not move forward. doing whatever can to get it going but these things take time. Love would quote ghost of John James Do we want to see this deal go or do we not want to see this deal go. If want to see it go what is the big deal is provided get financing before March 1 to extend them if want to see deal go. Morales Cumar cleaned up entire building once date happens building shut down and full on funding will happen. Morales they are permitted the building will be considered ground breaking plan on doing that before March 1. Hotchkiss would vacate be ground breaking? Love there is a clause that says groundbreaking is continuing to develop. Genora within document in agreement provide dates under section 1 project will break ground shall be defined initiation of continuous sustained meaningful construction of project. applicant.

Young financing these things take time and updating still take time and extension to April 1 deadline to have groundbreaking and financing all together had go forward. do we want to have to Legal Office earlier than that.

Courtney you all consider asbestos abatement considerable enough of groundbreaking? Young \$930,000 expense asbestos coming at end of month. Courtney is that considered groundbreaking it's actual construction. See continuous construction Courtney continual actual construction. Young in abatement walls being torn down its not traditional putting in concrete slab for us continued sustained is abatement? Morales question is asbestos abatement okay with groundbreaking. if any lull it terminates. Courtney they do have building permit he's shot up on one floor and start construction or have to wait until entire entire building must be cleaned. If don't meet deadlines and we continue ultimately city has ownership of building of southwest was to get possession of building to keep from being an eyesore of downtown. Will still maintain ownership of building. Genora stated with asbestos abatement and do specs only thing that goes away from city doesn't not required to provide parking. You're not stopping project.

How long to do asbestos? Sharla 6-8 weeks. Love comment regarding asbestos and continuation of being groundbreaking? Keith Patrick according to contract financial guarantee has to be without any caveats it has to be firm can that be done by April 1? Patrick outside of closing items yes. In a loan transaction you have to get all items need insurance in place that is normal in any transaction. If going to say caveat don't

think that would be correct. So that aspect can have by deadline. Now asbestos continue if you look at language of agreement continued, sustained until completion of project, believe asbestos is continued sustained by what is said there. Have gone along in belief that asbestos abatement does fit category. Courtney do you have general contract as soon as asbestos done contractor coming right behind? yes. If shorter period of time it takes the better. J.Ross what is completion date contract says 24 months think can do in 9-12 months. One interesting thing is ownership group already has 6 hotels in midland/odessa will be bringing in crews. Are we going to have parking finished in 9-12 months.

Council Member Love moved to extend financing deadline and groundbreaking deadline to April 1 and change City of Midland's completion deadline to 6 months after issuance of certificate of occupancy.; seconded by Council Member Lacy.

Keith another issue to consider moving these deadlines back you might want to consider moving some of our deadlines to give city few months on back end will be facing similar issues. Love does contract say we have to have it finished when they have it finished. Morales we need parking down there anyways. Keith going to finish point made if Council wants to move forward that is key, the deadline whether April May that is the key. Only point trying to make lets don't put city in position. If extend extend everything.

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

Love clarified cm and ca satisfied.

38. Approved a motion making appointments to the Midland-Odessa Urban Transit District Board, the Midland Development Corporation, the Tax Increment Reinvestment Zone Board, Midland Spaceport Development Corporation and consider motions appointing individuals to all other boards and commissions.

Council Member Sparks moved to appoint J.Ross Lacy to Spaceport Development Corporation; seconded by Council Member Love.

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

Sparks/Love J.Ross on Spaceport Development Corporat

Council Member Lacy moved to appoint Tracy Bacon to MDC ; seconded by Council Member Sparks.

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

Council Member Lacy moved to appoint Sharla Hotchkiss to MOUTD ; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Sparks, Morales, Lacy. NAY:

None. ABSTAIN: Hotchkiss. ABSENT: Dufford.

Council Member Hotchkiss moved to appoint Art Hobbs to Planning & Zoning (move from alternate) ; seconded by Council Member Lacy.

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

Council Member Lacy moved to appoint Johanathon Dumire to MOUTD ; seconded by Council Member Love.

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

Council Member Lacy moved to appoint Guy McKenzie to TIRZ ; seconded by Council Member Hotchkiss.

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

change hotchkiss to sparks on motion

EXECUTIVE SESSION

recess to executive 12:48 p.m.

39. 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 551.072 Deliberation Regarding Real Property.
 - a.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.

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

PASSED AND APPROVED the ____ day of _____, ____.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary