

**MIDLAND CITY COUNCIL
MINUTES
February 25, 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 25, 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 25, 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 10:09 a.m.

1. Invocation - Pastor Daniel Stephens, Mid-Cities Community Church
2. Pledge of Allegiance

PRESENTATIONS

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

PUBLIC COMMENT

Nora Wright Elbert Colorado here with Carnival Rights set up at stadium have to have id and went to police station. when go here had all social security numbers. ladies in office are not nice make her feel like a criminal and she said they don't need that any more need drivers license and brought a whole bunch back that day so didn't get some until next day. One day one lady wasn't nice and other was and vice versa. They denied a bunch of people but won't tell why have been 3-4 years and were denied. Brought guys down here from 8 am to 2-3 p.m. and made people come back. jerk hands to do fingerprints. Have done this since 18 3 kids 5 grandkids no different then anybody in room. This is only place that does this. When come here try to keep men in line for them to not be acting like that and to be treated like that doesn't show then anything. would rather take beating then come back down here.

Gary Neighbor when being fingerprinted very aggressive with me said look at me hope you have a good day it would be better if had stuff organized and situated. Morales hope to change attitude and hope come back.

Tom Miller 4311 Valley Drive, ex director family promise and board preside mid affordable housing alliance. unable to attend last meeting and however understand had discussion regarding affordable housing a % of units i heard 10% was really interested in what percentage of units put up for affordable housing. thinks 10% very reasonable % and need for affordable housing still exists in Midland Tx common council for dis and encourage to continue.

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.)

CONSENT AGENDA

Council Member Dufford moved to approve Consent Agenda items 7 - 24 excluding 5, a, 6, 13, 19, 23, 25; seconded by Council Member Lacy.

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

7. Approved a resolution approving the purchase of two (2) backhoes, two (2) 3 CY rubber tire loaders and two (2) maintainers for the Garage Division. (PURCHASING)

RESOLUTION NO. 2014 - 050

RESOLUTION AUTHORIZING THE PURCHASE OF 2 BACKHOES, 2-3 CY RUBBER TIRE LOADERS, AND 2 MAINTAINERS FOR THE GARAGE DIVISION FROM WARREN POWER AND MACHINERY, INC., DBA WARREN CAT OF ODESSA, TEXAS, AT A TOTAL COST OF \$810,060.00

8. Approved a resolution approving labor, material, equipment and supervision necessary for the rehabilitation and lead abatement of the Edgewood and Wadley Elevated Storage Tanks for the Utilities Department and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2014 - 051

RESOLUTION AWARDED A CONTRACT FOR THE REHABILITATION OF THE EDGEWOOD ELEVATED WATER STORAGE TANK AND THE WADLEY ELEVATED STORAGE TANK PROJECT TO LUCKINBILL, INC. OF ENID OKLAHOMA; AND APPROPRIATING FUNDS; AND THE BID AMOUNT WAS FOR \$2,409,068.75

9. Approved a resolution approving the purchase of five (5) administrative cars, one (1) SUV, ten (10) full size ½ ton regular cab pickups, one (1) full size ½ ton 4X4 regular cab pickup with spotlight, one (1) full size ½ ton extended cab pickup, one (1) full size ½ ton crew cab pickup, two (2) full size ¾ ton extended cab & chassis' and two (2) full size ¾ ton crew cab pickups for the Garage Division. (PURCHASING)

RESOLUTION NO. 2014 - 052

RESOLUTION APPROVING THE PURCHASE OF FIVE (5) ADMINISTRATIVE CARS, ONE (1) SPORT UTILITY VEHICLE TWO WHEEL DRIVE, TEN (10) FULL SIZE ½ TON REGULAR CAB PICKUPS; ONE (1) FULL SIZE ½ TON 4X4 REGULAR CAB PICKUP WITH SPOTLIGHT, ONE (1) FULL SIZE ½ TON EXTENDED CAB PICKUP, ONE FULL SIZE ½ TON CREW CAB PICKUP, TWO (2) FULL SIZE ¾ TON EXTENDED CAB & CHASSIS, (2) FULL SIZE ¾ TON CREW CAB PICKUP FROM ROGERS FORD LINCOLN OF MIDLAND, TEXAS, AT A TOTAL COST OF \$468,150.00; AND OTHER LOWER BIDS ARE REJECTED IN FAVOR OF THE LOCAL BIDDER PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 271.9051

10. Approved a resolution approving the purchase of one (1) Elgin Eagle 4M Street Sweeper for the Garage Division from Masters International, Inc. through Buyboard contract #420-13 for a total cost of \$241,987.00. (PURCHASING)

RESOLUTION NO. 2014 - 053

RESOLUTION APPROVING THE PURCHASE OF ONE (1) ELGIN EAGLE 4M STREET SWEEPER FOR THE GARAGE DIVISION FROM MASTERS INTERNATIONAL INC. THROUGH BUYBOARD AT A TOTAL COST OF \$241,987.00; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

11. Approved a resolution approving the purchase of twenty-nine (29) Police package SUVs from the single bidder, Caldwell Country Chevrolet, for the Garage Division. (PURCHASING)

RESOLUTION NO. 2014 - 054

RESOLUTION AUTHORIZING THE PURCHASE OF TWENTY-NINE (29) POLICE PACKAGE SPORT UTILITY VEHICLES FROM THE SOLE BIDDER, CALDWELL COUNTRY CHEVROLET, OF CALDWELL, TEXAS, AT A TOTAL COST OF \$865,737.00

12. Approved a resolution authorizing the issuance of a request for proposals for concession services for the Martin Luther King Jr. Community Center, Washington Pool and Doug Russell Pool for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2014 - 055

RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS FOR CONCESSION SERVICES FOR THE MARTIN LUTHER KING JR. COMMUNITY CENTER, WASHINGTON POOL, AND DOUG RUSSELL POOL FOR THE COMMUNITY SERVICES DEPARTMENT

14. Approved a resolution authorizing the execution of Land Lease Agreement for Airport Hangar Facility between Eagles Nest Aviation, LLC, and the City of Midland, Texas. (AIRPORTS)

RESOLUTION NO. 2014 - 057

RESOLUTION AUTHORIZING THE EXECUTION OF A LAND LEASE AGREEMENT WITH EAGLES NEST AVIATION, LLC FOR HANGAR DEVELOPMENT LOCATED ON A 0.91 ACRE TRACT OF LAND LOCATED IN LOT 4B, BLOCK 11, MIDLAND INTERNATIONAL AIRPORT, INDUSTRIAL PARK ADDITION, SECTION 6, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

15. Approved a resolution approving the issuance of a permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Ramcon No 1201D) located 1,476 feet from the south line and 1,784 feet from the west line located in Section 12, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the east side of the State Hwy 349, approximately 1,476 feet north of the east extension of Mockingbird Lane. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 058

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 1,476 FEET FROM THE SOUTH LINE AND 1,784 FEET FROM THE WEST LINE, SECTION 12, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 349, APPROXIMATELY 1,476 FEET NORTH OF THE EAST EXTENSION OF MOCKINGBIRD LANE); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

16. Approved a resolution approving the issuance of a permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Cowden No. 1202D) located 1,476 feet from the south line and 1,834 feet from the west line located in Section 12, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the east side of the State Highway 349, approximately 1,476 feet north of the east extension of Mockingbird Lane. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 059

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 1,476 FEET FROM THE SOUTH LINE AND 1,834 FEET FROM THE WEST LINE, SECTION 12, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 349, APPROXIMATELY 1,476 FEET NORTH OF THE EAST EXTENSION OF MOCKINGBIRD LANE); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

17. Approved a resolution approving the issuance of a permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Cowden No. 1203D) located 1,476 feet from the south line and 1,884 feet from the west line located in Section 12, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the east side of the State Highway 349, approximately 1,476 feet north of the east extension of Mockingbird Lane. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 060

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 1,476 FEET FROM THE SOUTH LINE AND 1,884 FEET FROM THE WEST LINE, SECTION 12, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 349, APPROXIMATELY 1,476 FEET NORTH OF THE EAST EXTENSION OF MOCKINGBIRD LANE); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

18. Approved a resolution approving the issuance of a permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Ramcon No 1204D) located 1,476 feet from the south line and 1,934 feet from the west line located in Section 12, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the east side of the State Highway 349, approximately 1,476 feet north of the east extension of Mockingbird Lane. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 061

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 1,476 FEET FROM THE SOUTH LINE AND 1,934 FEET FROM THE WEST LINE, SECTION 12, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 349, APPROXIMATELY 1,476 FEET NORTH OF THE EAST EXTENSION OF MOCKINGBIRD LANE); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

20. Approved a resolution establishing a fee for the reimbursement of construction costs related to the widening of Briarwood Avenue to the City of Midland arterial standard, from Holiday Hill Road to Avalon Drive. The fee will apply to property adjacent to Briarwood Avenue between Holiday Hill Road and Avalon Drive. Said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 063

RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A FEE PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 395.081 FOR PROPERTY ADJOINING BRIARWOOD AVENUE FROM HOLIDAY HILL ROAD TO AVALON DRIVE; PROVIDING THAT SAID FEE SHALL BE IN THE AMOUNT OF \$211 PER FOOT OF FRONTAGE ALONG SAID PORTION OF BRIARWOOD AVENUE; AND PROVIDING THAT SAID FEE SHALL BE COLLECTED THROUGH PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENTS WHICH MUST BE APPROVED BY THE MIDLAND CITY COUNCIL

21. Approved a resolution accepting a Water Line Easement by FP-Westridge Energy Plaza LP on property adjacent to Griffith Drive to serve Westridge Park Addition Section 23. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 064

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.01-ACRE WATER LINE EASEMENT LOCATED IN LOT 1, BLOCK 8, WESTRIDGE PARK ADDITION, SECTION 23, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

22. Approved a resolution authorizing staff to advertise for a Request for Qualifications (RFQ) to provide professional engineering services to the City of Midland relating to the development review process within the Departments of Development Services and Engineering Services on an as needed basis with respect to planning, engineering, and building site development as defined in the scope of services. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 065

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES, INCLUDING BUT NOT LIMITED TO PLANNING, ENGINEERING, AND ADMINISTRATION SERVICES FOR DEVELOPMENT REVIEW SERVICES TO ASSIST THE ENGINEERING SERVICES DEPARTMENT AND THE DEVELOPMENT SERVICES DEPARTMENT; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT FOR SAID SERVICES; AND PROVIDING THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL

24. Consider a Resolution authorizing and executing a Right-of-Way License between the City of Midland, TX and Occidental Petroleum Corporation, the General Partner of Occidental Permian, LTD; said "Right-Of- Way License is for entering the City of Midland's Right-Of-Way for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing a fresh water surface line, not to exceed 6 inches in diameter, and to have the right of ingress and egress at convenient points for such purpose: the pipeline is located within the City of Midland Right-Of-Way, Section 8, Block 'X', H.P. Hilliard Survey, Midland County, TX. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 067

RESOLUTION AUTHORIZING A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND OCCIDENTAL PERMIAN MANAGER, THE GENERAL PARTNER OF OCCIDENTAL PERMIAN, LTD.; SAID RIGHT-OF-WAY LICENSE IS

FOR ENTERING THE CITY OF MIDLAND'S RIGHT-OF-WAY FOR THE PURPOSE OF PLACING, INSTALLING, CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND REMOVING A FRESH WATER SURFACE LINE AND TO HAVE THE RIGHT OF INGRESS AND EGRESS AT CONVENIENT POINTS FOR SUCH PURPOSE; THE PIPELINE IS LOCATED WITHIN THE CITY OF MIDLAND RIGHT-OF-WAY, SECTION 8, BLOCK "X", H.P. HILLIARD SURVEY, MIDLAND COUNTY, TEXAS

5. Approved a motion approving the following minutes:

Council Member Sparks moved to amend the motion by page 18 add word "final" before certificate of occupancy ; seconded by .; seconded by Council Member Love.

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

Sparks pulled for two reason dufford can't vote wan't here. dufford can but will abstain. Sparks just wanted to make sure everyone saw minor changes made that Amy gave this morning.

JRoss is wording okay. Didn't see anything about 6 months. Hotchkiss it's further in mintues he just correcting on paragraph. listen to what is being sent. intent of council intend of final intent of occupancy is added.

Regular meeting of February 11, 2014.

Council Member Sparks moved to amend the motion by page 18 add word "final" before certificate of occupancy ; seconded by .; seconded by Council Member Love.

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

6. Approved a resolution approving an agreement with a professional consultant for Hydraulic Model Update and Evaluation services for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2014 - 049

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH BLACKSTONE ENGINEERING PLLC, OF MANSFIELD, TEXAS AT A TOTAL COST OF \$47,000.00 UNDER WHICH BLACKSTONE ENGINEERING PLLC WILL PERFORM HYDRAULIC MODEL UPDATE AND EVALUATION SERVICES FOR THE CITY OF MIDLAND

sparks pulled by request question is looking into future of what needs are in future for hydralic modeling nad do we own data. Holly have model in place for 12 years nad pay someone to upgrade it. dont' own software for model they contract service out every year and provide info and upgrades and they tell us what need to know/. Morales if owned software does it allow staff and ept do further studies. Holly it would be additional tdask to update model paying for the service to be contracted out. Love we don't own software. Holly Midland's data. love could get data and go to someone else

who has software. How far will this take us. Holly as far as want to go. sparks how often do update. holly supposed to be yearly. It hasn't been updated in last couple of years. Morales serious concern is going to retreat in a couple of years and will be talking about population and Council Members fully understand what getting ready to envision and might want to extend on study. Could we defer today and get past retreat and get back on agenda. Dufford want to go further then what this study goes. Morales going to present where Midland going 20 years from now. This study is going to address needs today. Holly it can be added onto just adding data that has not yet been in put. Dufford just wanting to update where today and knowing on just add on think wouldn't want to delay and potentially have info available by retreat. see no reason to delay this study. sparks after asking question and find out normally done annual think ought to go through with it. Morale address airport off well and go to tbar and tceq issues. Courtney those immediate needs. Shapw will be presenting info to Council in two weeks to delay for two weeks or only meeting in March but can give better idea of what data gives us. Love is there anything come up that affect this item where benefit to delay? Holly think if move forward could get some up on tbar and address tceq beneficial to update. Dufford how long is pressure on flow rate and technical had not what need. sparks how long does it take. Holly updating data quicker get to blackstone can gen reports. sparks if to approve and something says need to change a piece of data you could send it off to them holly correct. Mayor black stone used for 10 years, someboyd left we are her customer. Prior she worked for CM and we have subcontracted her through CDM and this saved \$ by subcontracting through her. Courtney very technical info use when developers come in what size of point. Keep on 50,000 foot view have to have new elevated storage tank and city participate and dev part that is 50,000 foot view present day to day tech detail is what this addresses. Hotchkiss can see different not in input now but to add on would it be beneficial would it save if did all as one item.

Council Member Love moved to adopt Resolution No. 2014 - 049; seconded by Council Member Sparks.

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

13. Approved a resolution approving a contract for Lamesa Road Paving Improvements for the Engineering Department and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2014 - 056

RESOLUTION AWARDED A CONTRACT FOR THE CONSTRUCTION OF THE LAMESA ROAD PAVING IMPROVEMENTS PROJECT TO REECE ALBERT, INC. AT A TOTAL COST OF \$2,719,284.60; PROVIDING FOR A TEN PERCENT CONTINGENCY AMOUNT; AND APPROPRIATING FUNDS IN THE AMOUNT OF \$2,087,872.00 FROM BOND FUNDS AND \$903,341.00 FROM THE GENERAL FUND UNAPPROPRIATED FUND BALANCE

Love pulled for 3 reason. 1 that god 2 delayed five years as result cost city more because of inflation having to approp 900,000 from gf 3. Jose to give background info on project is difference between option 1 and 2.

Jose first question your welcome also thankful getting move forward. difference between materials first option is concrete vs asphalt reason rec concrete is because has longer life cycle. last thing want to do every 15-20 years. Love very well could be best

street in Midland. JR how much longer concrete over asphalt. Jose construction question should be same timeline.

Council Member Love moved to adopt Resolution No. 2014 - 056; seconded by Council Member Lacy.

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

19. Approved a resolution amending the Oil and Gas Well Drilling Permit approved by Resolution 2013-362 for an oil and gas well drilling permit to Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Chaps No. 4) located 330 feet from the north line and 1,831 feet from the west line located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the Passage Way, approximately 1,800 feet east of north of North Midkiff Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 062

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 330 FEET FROM THE NORTH LINE AND 1,831 FEET FROM THE WEST LINE, SECTION 9, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF PASSAGE WAY, APPROXIMATELY 1,800 FEET EAST OF NORTH MIDKIFF ROAD); SAID AMENDMENT AUTHORIZES (1) THE RELOCATION OF THE ACCESS ROAD, FLOW LINES, GATHERING LINES, GAS LINES, AND BURIED ELECTRIC LINES, (2) THE ADDITION OF A TEMPORARY ROAD, AND (3) THE USE OF A CLOSED LOOP SYSTEM

Council Member Dufford moved to adopt Resolution No. with amendment to exits labeled drill site map label it amended drill site map and exhibit labeled amended drill site map should labeled drill site map NUMBER>; seconded by Council Member Love.

Dufford pulled request of Jenkins to add exhibit. Ron Jenkins correction to two of end labeled permitted drill is switched exhibits switched. amended drill site map.

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

23. Approved a resolution accepting a Landscape Easement for the construction of a Gateway Monument sign adjacent to the TxDOT right-of-way. The site is generally located along SH 349 north of Solomon Lane at Fire Station #4. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 066

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT CONCERNING THE DONATION OF PROPERTY TO THE TEXAS DEPARTMENT OF TRANSPORTATION TO ALLOW FOR THE PLACEMENT OF A MONUMENT SIGN ADJACENT TO FIRE STATION #4; AND AUTHORIZING THE DEDICATION OF A LANDSCAPE EASEMENT TO THE STATE OF TEXAS FOR SAID PURPOSE

Hotchkiss pulled and asked KMB director to tell about monument sign.

Dorren womack this project been in works for last year. Been working with officials of TXDOT and acm Jim Nichols to get monument to entryway on 349. The bill for this will be paid by TXDOT funds awarded to KMB for two awards. when drought stated intended to beautification around horseshoe but felt need be good steward of money and not plant trees/plans that may not life. made sense to do beautification rpoject of hardscape. With help of Mayor, Jim and TXDOt felt entrance on N 349 would be wonderful location. Been looking at multiple. Very rpoud that this is going to be happening and feel wonderful addition to City and location good location becasue close to Fire House and hav ehelpp from Fire Station wil electric for lights. Appreciate donation from City to hav emonument there. Mayor thanked Doreen for grant and for help. Love for public info being donated in name only and city still owns property. tax payer not only out any easement. jim easement only.

Council Member Love moved to adopt Resolution No. 2014 - 066; seconded by Council Member Hotchkiss.

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

25. Approved a resolution Approving Change Order Number 3 for the Raw Water Project - with Archer Western Construction Company and Appropriate Funds. (UTILITIES)

RESOLUTION NO. 2014 - 068

RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER THREE WITH ARCHER WESTERN CONTRACTORS, L.L.C., ADDING \$99,523.62 FOR ADDITIONAL WORK TO THE EXISTING CONTRACT FOR THE RAW WATER PROJECT; AND APPROPRIATING FUNDS; THE ORIGINAL CONTRACT WAS FOR \$7,058,965.00; THIS CHANGE ORDER BRINGS THE TOTAL CONTRACT PRICE TO \$7,528,236.62

saprks av einvocation

Lacy wanted expl for 1/2 m increase form orig contract. Holly went in from 1950s throughout entire process ame across a lto of thing listed poruing system modificationw eren't able to get enough pressure to ensure system was working. It's bascially been throughout process. duct bank 10;42 usually wen refurbishing come into a lot of pick ups nad best to repair along way.

Council Member Hotchkiss moved to adopt Resolution No. 2014 - 068; seconded by Council Member Dufford.

Love where will funds come from gf or co? holly funded from CO in 2012. Ivo echange order form co holy es.

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

SECOND READINGS

26. Consider an ordinance on second reading 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 North 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9232.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9232 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Sparks made some amendments and looks like have not been incorporated from first reading. I assume we will make sure amendments were in ordinance.

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

27. Consider an ordinance on second reading 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 West 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9233

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9233 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

28. Consider an ordinance on second reading 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9234.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9234 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

29. Consider an ordinance on second reading 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9235.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9235 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

30. Consider an ordinance on second reading 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9236.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9236 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. NAY: None. ABSTAIN: None. ABSENT: None.

31. Consider an ordinance on second reading 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9237.

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

PUBLIC HEARINGS

32. At approximately 10:29 A.M. hold a public hearing and consider a request for the annexation of a 37.09-acre tract of land out of Sections 7 and 8, Block 40, T-2-S, T&P RR Company Survey, Midland County, Texas. (Generally on the northeast corner of the intersection of FM 1788 and Loop 40. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9238

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 37.09-ACRE TRACT OF LAND OUT OF SECTIONS 7 AND 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF FARM-TO-MARKET ROAD 1788 AND LOOP 40); AND APPROVING A PUBLIC SERVICE PLAN

Planning Division Manager Jim Compton gave a brief overview of the item noting final stretch of annex 2 parcels of land this one near airport. applicnat asked for land to be annexed conducted two reuquired public hearings. now time for council consider adopting ord. no letters of opposition. sparks when adopt this is this done. jim second reading.

Mayor Morales opened the public hearing at 10:53 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. 9238.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9238 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

33. At approximately 10:30 A.M. hold a public hearing and consider an ordinance on a request by Younger Partners, Ltd. for a zone change of annexed land to IP, Industrial Park District on a 15.81-acre tract of land (Tract 1A) out of Section 8 and to LR-2, Local Retail District on a 14.71-acre tract of land (Tract 1B) out of Sections 7 and 8, all out of Block 40, T-2-S, T&P RR Company Survey, Midland County, Texas. (Generally located on the northeast corner of the intersection of FM 1788 and Loop 40. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9239

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 15.81-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN IP, INDUSTRIAL PARK DISTRICT; ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 14.71-ACRE TRACT OF LAND OUT OF SECTIONS 7 AND 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN LR-2, LOCAL RETAIL DISTRICT; SAID TRACTS ARE GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF FARM-TO-MARKET ROAD 1788 AND LOOP 40; 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 ord to adopt initial zoning on previous item for annex. two parcels one 15.8 acres for ind park and 14.71 for retail. however just prior to meeting approached by rep and have prop would like to submit a different zoning patern to keep most of land in FD and a 2 acre parcels for retail representatives here.

sparks where would 2 acres be?

Mayor Morales opened the public hearing at 10:56 a.m.

eric west 1700 w wall, psc, notices gone out and owner checked into some thing possible tax ramification and would to zone only pieces tha tis developign and leaving rest as FD. You will see that . If corner stays LR2 and rest goes to FD requesting amend the original zonign request making at this time to be these two tract son in FD and the two acre tract be LR2. Love on previous agenda item annexation included a street . We have city row in something tha twas not annexed how does that happen> Courtney not uncommon for city to have row out sid eof city limits in the etj. Stretcher do you have metes and bounds. amending the ord if what need is approving what have on agenda is to amend that to include the metes and bounds with exhibit handed in. Lvoe this is public hearing so notices went out with specific request but now changing that request hwo does tha tafec tph. Keith not increasing the size of zoning but decreasing and as long as not zonign additonal property its okay.. can go smaller but can't go bigger.

There being no one else wishing to speak, the public hearing was closed at 10:59 a.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9239.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9239 in accordance with the Charter of the City of Midland with the amendment to include developers exhibit as amended per exhibit A; seconded by Council Member Sparks.

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

34. At approximately 10:32 A.M. hold a public hearing and consider a request for the

annexation of Lot 3, Block 5, Pecan Acres Addition, Section 5 and of Lots 4A and 4B, Block 5, Pecan Acres Addition, Section 7, Midland County, Texas. (Generally located on the north side of Trenton Drive, approximately 550 feet east of Trobaugh Boulevard. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9240

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING LOT 3, BLOCK 5, PECAN ACRES ADDITION, SECTION 5, AND LOTS 4A AND 4B, BLOCK 5, PECAN ACRES ADDITION, SECTION 7, MIDLAND COUNTY, TEXAS, (GENERALLY LOCATED ON THE NORTH SIDE OF TRENTON DRIVE, APPROXIMATELY 550 FEET EAST OF TROBAUGH BOULEVARD); AND APPROVING A PUBLIC SERVICE PLAN

Planning Division Manager Jim Compton gave a brief overview of the item noting voluntary annex to annex 3 parcels located on Trenton north of Trobaugh purp of request is to allow two lots to tie onto city water. water is already in place. Have not received any letter so fopposiiton. Love is there any reason or advantage why said Lot 3 and lots 4a out of two differnet sections of pecan.

Mayor Morales opened the public hearing at 11:03 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. 9240.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9240 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. NAY: None. ABSTAIN: None. ABSENT: None.

35. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Sarah Blackwood for a zone change of annexed land to AE, Agricultural Estate District on Lot 3, Block 5, Pecan Acres Addition, Section 5 and of Lots 4A and 4B, Block 5, Pecan Acres Addition, Section 7, Midland County, Texas. (Generally located on the north side of Trenton Drive, approximately 550 feet east of Trobaugh Boulevard. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9241

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING LOT 3, BLOCK 5, PECAN ACRES ADDITION, SECTION 5, AND LOTS 4A AND 4B, BLOCK 5, PECAN ACRES ADDITION, SECTION 7, MIDLAND COUNTY, TEXAS, AS AN AE, AGRICULTURE ESTATE DISTRICT; SAID TRACT IS GENERALLY LOCATED ON THE NORTH SIDE OF TRENTON DRIVE, APPROXIMATELY 550 FEET EAST OF TROBAUGH BOULEVARD; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Jim Compton gave a brief overview of the item noting

proposal to extend initial zoning on property just consists for nanex. listen lots 11:05 sent out ph notice received on letter of opposition from one owner on south side of property reason because parcel would stay whole. all 3 lots already platted and water lines installed. listebn

Mayor Morales opened the public hearing at 11:06 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. 9241.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9241 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

36. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by BDC Properties Construction, Inc for a zone change from PD, Planned District for Shopping Center, to LR-2, Local Retail District on a 5.86 acre tract of land out of Section 14, Block 39, T-1-S, T&P Railroad Company Survey, City and County of Midland, Texas. (Generally located on the west side of North Big Spring Street, approximately 280 feet south of West Loop 250 North. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9242

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 5.86-ACRE TRACT OF LAND OUT OF SECTION 14, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 280 FEET SOUTH OF WEST LOOP 250 NORTH); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Jim Compton gave a brief overview of the item noting property located swc loop 250 big spring. zoning approved in 1982. pd subject to reg of lr2 allow building height up to 40 feet. find unusual in line of e/w max ht 50 feet 4 storeis whichever is less. reduce max bldg hgt to ?? purpo fbiring in large retail does conform p7z rec approval 2/3 staff concurs. Dufford sure large retailer knows can only go 28 feet another issue is going to come during construction but will be handled through FAA. Morales does this get submitted to TXDOT. access to property is offramp that gets backup and curb here an adding a deceleration or third lane to help ease ingress egress. Sparks any discussion about moving exit to Big Spring. Jim eliminate all together so people have to take ?? 11:10 Jose anything to add? Jose Ortiz coord with TXDOT for site access is concern congestion is concern collective state/city looking at option to mitigate traffic. mayor in conjunction? Ortiz separate from development different pace collectively working with developer will go. Dufford understand already talked to TXDOT. Ortiz they allowed City in same meetings.

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

Cally Stephens 2701 Sentinal own property across street to east and not against what is going in there. Mother and sister and her all owenrs. Problem from about 4 -6:30 can't get out onto Big Spring form her shopping center how can get traffic without eing worse? Did speak to gentlemen and looking at closing one rampthat Big Spring ramp surprised. It makes sense traffic backs up onto loop from Big Spring it would alleviate it. If going north on Big Spring everybody thats trying to to turn left is already in turn lane don't know how traffic can get int here. Love concur stripes and a lot of people try to make left. Morale sin somewhat of solution would be Fairgrounds expanding going north and Mockingbird going across that will alleviate some of the inner traffic. Hear concerns have same and trying to address with out loop roads to alleviate traffic.

There being no one else wishing to speak, the public hearing was closed at 11:14 a.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9242.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9242 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

37. At approximately 10:39 A.M. hold a public hearing and consider a request for a Specific Use Permit, Without Term for a Heliport, on a request by Midland Memorial Hospital on Lot 1A, Block 1, Midland Memorial Hospital Addition, Section 2, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of West Illinois Avenue and Andrews Highway. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9243

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF LOT 1A, BLOCK 1, MIDLAND MEMORIAL HOSPITAL ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF WEST ILLINOIS AVENUE AND ANDREWS HIGHWAY), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A MEDICAL CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A HELIPORT; 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

Planning Division Manager Jim Compton gave a brief overview of the item noting loated in district 3 andrews/illinois location of existing heliport used by hopsital. with new campus want to relocate. any heliport reques sup 11:16 a.m. applicant working with faa to obtain required permits snag with original application requres to have two different slops obstruction and ha since been eliminated. Two letters of opposition and one letter of usppport. Base don ph bit of change from staff report. Realize heliport is currently funtioning it is a lfie safety issue have letter indicating FAA satisfactor to operate safe

heliport. Love in staff report rec 2 negative clals not sure if same as two letters. Bob Baronti in shopping center across street for safety. Love looked at map with yellow does that suggest helpicopter can only take off and land from northern direction. Marv Esterly City and FAA require approaches and actually 2 last thing seen one to n/s other to e/w. Love that's what applying to FA marv have to prove hav etow corridors free of obstruction. n/s had couple of obstructions previous map

Mayor Morales opened the public hearing at 11:20 a.m.

Linda Cunningham 1916 Centerview own propertys on andrews hwy. Was in Plano for medical procedures when one about P&Z came unable to attend. Did call and pseka to someone in P&Z when returned. He told me helicopters were landing at stadium and hvesince found out that for at elast a year the heliport that is there not andrews/Illinois but at Kent/Ohio it has been in operation for at lesat year. You can aks any of business owner sin that area. Don't understand how been able to use this all tha titme without approval of council. Very confused. Is prop to do away with that heliport and do another one somewher eelse. Morales two uquestion how did get first one and second is original going away. She is opposed thinks it is dangerous. If a helicopter were to crash on andrews highway would be liability i there was an accident. Who can she call and ask what rest of stuff at each end about cumulative savings an severability clause would like to have explained. Mr. stretcher cumulative clause council has considered ord in whole and tasked ord as whole savings nad severability means if one ord of item decleared illegal by court rest of ord would stand. Morales ask attorney to define it and send it to Ms. Cunningham.

eric West, psc 1700 w wall. Lets go back to before tower or any of rest of campus was worked on. Landing spot but emergency landing spot was in parking lot of memeroail stadium. Operationg memorial hospital had was to land ther ehav eambulance go meet helicopeter and bring to merg room. In process fo designing cmapus this heliport was eleted as new sport. More than just emergency needs to be permittd. Through process ent in info to FAA they gave approval during construction the FAA gave approval for locaiton as heliport and wen tinto operation when tower opened with FAA approval. At that time submitted (disc between what City requires and FAA) when came in obstruction was one of the light poles in parking lot was in the approach and penetrating approach surface. Love people were using before special use approved by Council. Eric yes approved by FAA. The delay has been pole didn't comply with special use permit. Contractor had to lower pole. It otok two tries to get correct litht pole in right spot. Waited until both surfaces before brought to Council so it would match your ordinance. Morales was memroial stadium permitted by FAA or anyone. Eric not permitted in that fashion but declared emergency spot. Hotchkiss walk in morning and heavily used. Morales had to be agreement with MISD. Eric what about to do will formalize because FAA approved info and meets your ord with light pole lowered will se tins tone on both cides and cement location. How has it been in use without City approval. Steve Thorpe been on original site plans for hopsital expansion. Other staff members had said there wer issues with hts of faa paproved hatt didn't meet requirement. know about location the thought was approved. Site plan was pproved course of construction lengthy discussions with airport and hopsital etc. Love please visit with Ms. Cuinningham. Jim one question was whether the City needed to approve it becasue they are similar uauthority.

There being no one else wishing to speak, the public hearing was closed at 11:33 a.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9243.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9243 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

38. At approximately 10:42 A.M. hold a public hearing and consider an ordinance on a request by Burkett Media for a Specific Use Permit with Term for a Billboard on Lot 8, Block 6, Ranchland Acres Replat of Lots 1-3, Block 1, Lots 2, 3, & 6-8, Block 4, Lots 1, 8, & 9, Block 5, Lots 1, 2, & 5-7, Block 6, Lots 1-3, Block 7, Lots 1-3, Block 8, and Lots 1-4, Block 9, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of West Interstate Highway 20 and Chisholm Trail. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9244

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 8, BLOCK 6, RANCLAND ACRES REPLAT OF LOTS 1-3, BLOCK 1, LOTS 2, 3 AND 6-8, BLOCK 4, LOTS 1, 8 AND 9, BLOCK 5, LOTS 1, 2 AND 5-7, BLOCK 6, LOTS 1-3, BLOCK 7, LOTS 1-3, BLOCK 8, AND LOTS 1-4, BLOCK 9, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST INTERSTATE HIGHWAY 20 AND CHISHOLM TRAIL), WHICH IS PRESENTLY ZONED BP, I-20 BUSINESS PARK DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Jim Compton gave a brief overview of the item noting request want billboard on west side of down double faced statis billboard. property zoned bp 11:35 location of billboard 60 feet off property line I20 30 feet of Chilsom trail size 14/48 or 672 sq ft. max ht allow 42.5inches nad that is what requesting. Conditions associated are contained in Chapter ? find this locaiton onforms to policy of p7z for adoption review of billboard locations. Property located along major thoroughfare and in an area of major commercial concentration p7z rec approval and staff concurs with rec. Love is this betwen midland/mdkiff or west of Midland. Midland on north side. one letter of opposition stating one quarter mile away does meetin min space requ

Mayor Morales opened the public hearing at 11:38 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Hotchkiss want to alert be thinking long term billboards already fighting liter and one ways auth pseka of billboards isivisual liter need to be very careful of billboard and don't want view distracted.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9244.

Council Member Love moved approval of the first of two readings of Ordinance No. 9244 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Sparks agree with what Sharla has to say keep in mind. Dufford need to talk about at retreat do take issue with billboards and talked about long time ago limiting number of billboards inside city limit and something ought to address again to not clutter sky.

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

39. At approximately 10:45 A.M. hold a public hearing and consider an ordinance on a request by Burkett Media #3 for a Specific Use Permit with Term for a Billboard on a 5.1-acre tract of land out of Section 37, Block 41, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the north side of State Highway 191, approximately 485 feet northeast of Jordy Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9245

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 5.10-ACRE TRACT OF LAND OUT OF SECTION 37, BLOCK 41, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 485 FEET NORTHEAST OF JORDY ROAD), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Morales left dais 11:41

Planning Division Manager Jim Compton gave a brief overview of the item noting received email yesterday from applicant asked item to be withdrawn. Love asked stretcher need to conduct public hearing. 1 conduct public hearing and defer to future meeting indef or hold public hearing and deny but applicant would have to wait min of 6 months or say not going to consider item and hav eto go back through p7z. Love hesitant about holding public hearing if going to change. Hotchkiss if public hearing. Jim if ownerplaced deed restriction 11:44. Stretcher council not bound by restrictive covenants. Love should not consider this item.

Council Member Hotchkiss moved to concede to request and allow them to withdraw the item.; seconded by Council Member Lacy.

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

40. At approximately 10:48 A.M. hold a public hearing and consider an ordinance on a

request by Grub Burger Bar for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant on a 4,650 square foot portion of Lot 27A, Block 46, Skyline Terrace West, Section 8, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of North Midland Drive and West Loop 250 North. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9246

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4,650 SQUARE FOOT PORTION OF LOT 27A, BLOCK 46, SKYLINE TERRACE WEST, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH MIDLAND DRIVE AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Jim Compton gave a brief overview of the item noting subject proper located sec 250/Midland dr. already enjoys sup and this own without term in perpetuity. in this case wants to increase seating capacity this approved will be with term which mean bi annual inspect to ensure meeting terms. asking for seating 191 up from 110 of exisiting permit. adequate bathroom to accomodate crowd of tha size. Proposed days and hours of op m-f 7-mid ss listen 11:47 a.m. (in report) Nmae of busines sin Grub Burger Bar. SUP section requires restarant can't have any indication that alcohol sold unless made part of permit. The ord does include tha tprovision. p7z rec unanapprova no letters of op staf conc with commr ec.

Mayor Morales opened the public hearing at 11:48 a.m.

Terry Stump 1105 Castlerock will be manager of Grub Burger Bar excited to bring product to Midland and hopes will approve. will be a gormet burger buns suaces made fresh everyday. and great shakes. and a veggie burger turkey chicken and offer ww buns and gluten fre bun.

There being no one else wishing to speak, the public hearing was closed at 11:49 a.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9246.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9246 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

41. At approximately 10:51 A.M. hold a public hearing and consider a resolution on a request by Robert Ahola for a Temporary Land Use Permit for an Outdoor Tent Sale on

a 27.313-acre portion of Lot 1, Block 17, Skyline Terrace, Unit 2, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of West Loop 250 North and North Midkiff Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 069

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN OUTDOOR TENT SALE ON AN APPROXIMATE 27.313-ACRE PORTION OF LOT 1, BLOCK 17, SKYLINE TERRACE, UNIT 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER 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

Planning Division Manager Jim Compton gave a brief overview of the item noting proposal for tent sale a midland park mall. tent 4000 sq ft length of term is 22 days include sale items rugs artwork. proposed ays march 12 april 2 9 am to 10 pm daily. alsopropsoing small travel trailer for security purposes. accoridng to police reports for last year no incidences reported and require operating to call fire marshall fo rinspection prior to open. no letter eof opp no letter sof approval. Love usually in spot where Jared located is there any 0problems with row line of site. jim free of issuesrow of line of sittttttte. temp displacement of a few parking spots.

Mayor Morales opened the public hearing at 11:53 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Sparks moved to adopt Resolution No. 2014 - 069; seconded by Council Member Hotchkiss.

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

MISCELLANEOUS

42. Consider an ordinance amending the official Municipal Budget for Fiscal Year 2013-2014 in order to provide Council approved funding by Resolution 2014-008 for the Petroleum Museum, Library and Hall of Fame not to exceed \$500,000. (FINANCE)

ORDINANCE NO. 9247

AN ORDINANCE AMENDING THE OFFICIAL MUNICIPAL BUDGET FOR FISCAL YEAR 2013-2014 IN ORDER TO PROVIDE ADDITIONAL FUNDS TO THE PERMIAN BASIN PETROLEUM MUSEUM, LIBRARY AND HALL OF FAME FOR ADVERTISING, PROMOTION AND SOLICITATION OF OIL INDUSTRY ACTIVITIES IN THE CITY OF MIDLAND; THE CITY WILL PAY UP TO \$500,000.00 TO MATCH FUNDS RAISED BY THE PETROLEUM MUSEUM BETWEEN JANUARY 15, 2014 UNTIL SEPTEMBER 30, 2014; THE ADDITIONAL FUNDING PROVIDED WILL HELP PROMOTE TOURISM IN THE CITY OF MIDLAND; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE PERMIAN BASIN PETROLEUM MUSEUM, LIBRARY AND HALL OF FAME

finance director Pam simecka gave a brief overview of the item noting in jan auth to get funds up to \$500,000 since it isn't a line item in operational budget this allow sto amend

budget to expend funds that set forth. complying with state law. Love this all due to Dufford and commend. Keith have an always been following state law Bob did it in smoothing ordinance at end of year.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9247.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9247 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

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

ORDINANCE NO. 9223

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 302.19-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; BY PERMITTING A 15.83-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN O-1, OFFICE DISTRICT; SAID TRACTS BEING OUT OF SECTION 12, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 349, APPROXIMATELY 840 FEET NORTH OF ARAPAHOE ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Chuck Harrington second reading of Lone Star Trails of Planned district 44 is actual preliminary plat that goes with it and item 45 is public improvement development agreement.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9223.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9223 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

44. Approved a resolution ON APPEAL approving a proposed preliminary plat of Lone Star Trails, being a 318.02-acre tract of land out of Section 12, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of State

Highway 349, approximately 840 feet north of Araphahoe Road. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 047

RESOLUTION APPROVING A PRELIMINARY PLAT OF LONE STAR TRAILS, BEING A PLAT OF A 318.02-ACRE TRACT OF LAND OUT OF SECTION 12, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 349, APPROXIMATELY 840 FEET NORTH OF ARAPAHOE ROAD); SAID PRELIMINARY PLAT WAS DENIED BY THE CITY OF MIDLAND PLANNING AND ZONING COMMISSION AND IS ON AN APPEAL TO THE CITY COUNCIL

Planning Division Manager Jim Compton gave a brief overview of the item noting plat associated with item 43 to approve zoning on property. now zoning approved appropriate to be platted. two items they did agree to minimum spacing of 200 feet and reduce overall density rec approval. Courtney consolidated so all item heard together at same time.

Council Member Lacy moved to adopt Resolution No. 2014 - 047; seconded by Council Member Sparks.

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

45. Approved a resolution authorizing the execution of a Public Improvement Development Agreement with Real Property Resources, Inc. (Betenbough Homes) for the water and wastewater extension (oversized participation) along SH 349. Said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 048

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH REAL PROPERTY RESOURCES, INC. FOR DEVELOPMENT OF LONE STAR TRAILS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ALONG THE EAST SIDE OF STATE HIGHWAY 349, APPROXIMATELY 1 MILE NORTH OF MOCKINGBIRD LANE); AND APPROPRIATING FUNDS IN THE AMOUNT OF \$440,608.00 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

David Beard any questions?

Council Member Lacy moved to adopt Resolution No. 2014 - 048; seconded by Council Member Hotchkiss.

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

46. At approximately 1:30 p.m. conduct a workshop with the Planning and Zoning Commission and receive an update from Freese and Nichols regarding the update to the Zoning Code. (DEVELOPMENT SERVICES)

Mayor Morales reconvened at 1:33 p.m. with all Council Members present.

Suggest having a workshop of P&Z and get into details. Diagnosed problems and now need to proceed to Phase II which is drafting of the Code and bring draft Code back and work with staff and address parts of codes needed. J.Ross would like presentation sent to him. Jane Wolf looks terrific and long overdue to have easier code to access both from p&z and those who work in industry. Question nothing said about I-20 activity, is there any indication that business overlay is or not working and also 191. 1st yes as 191 study has identified standards to hop to set up for that corridor and looking at if I20 standards are still needed or can they be applied more globally. 2nd overlay don't know if that inhibiting development but look at fixing basic zoning. no complaints in stakeholder meetings. 2nd mostly multi family and pd zoning.

Morales does newer technology allow for better visuals. a byproduct is zoning ord that can go on webpage and this approach put on website with a lot of pictures and graphics, and hyperlinks. Courtney review schedule. Daniel 1 if allowed to proceed looking at starting to provide working draft to City in June or July. sometimes after that workshop will be set up with P&Z and Council. Council sooner the better. move up if could. Morales in addition trying to understand 191 with spaceport and new opportunities. 1st I will coordinate with staff and make sure we dovetail. don't want to duplicate services. Dufford two most important things are alleys and density. something sooner than later on tradeoff between alleys and density would rather have sooner and include examples of incentives. 1st helpful to have workshop on that and frame pros and cons helpful to have workshop. can provide visual pictures of what you get with each side. Dufford including building materials etc.

Mr. Bain question about stakeholders will be impacted by this need to share with people who it will impact. need to visit with development company and come to consensus. 1st in favor of not doing extra work if can do it. 1st stakeholder city staff not in room Mark Payne. identified 4-5 groups and brought in one after another and identified issues though important to address. Morales go back to initial stakeholders and ask to participate in a workshop. can set up times to do that. Morales let's get initial stakeholders and let them see what done so far and then move forward. but include alleys and density.

Jane Wolfe mentioned possible subdivision without alleys. need to look 20-50 years down road and what are right kinds of neighborhoods so those areas still desirable when market is not so hot. Please bring ideas from other communities. Affordable housing is a piece of that. 1st you are going to have a land problem if you look at well map from 2005 to today you are impacted by well sites that are moving in on you. Need to get creative on how design subdivisions and best utilize surface. 2nd in a month have another meeting with Council/P&Z and stakeholders and send invitation out to website and have stakeholders send ideas. Dufford doesn't want to be in issue that we stop development. rather get info sooner than later to developers that done with high density subdivisions. Freese and Nichols will put together agenda and workshop date. Hotchkiss writing ordinances and revision of ordinance just organizing of what you have and very excited much more user friendly guide. Council needs copy of document.

Morales thanked everyone for being here feel in right direction and will think about future and ensure planning properly.

adj 2:25 p.m.

47. Approved a motion making appointments to the Midland Odessa Urban Transit District Board, Midland Football-Soccer and Baseball Complex Development Corporation Board, and consider making appointments to all other boards and commissions.

Council Member Hotchkiss moved to reappoint Robert Rendall to the Midland Development Corporation ; seconded by Council Member Love.

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

48. Hold a public hearing and consider a resolution on Tax Credits; Texas Department of Housing and Community Affairs. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2014 - 070

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS SUPPORTING THE PROPOSED MERRITT ESTATES HOUSING DEVELOPMENT; THE APPLICANT IS DDC MERRITT ESTATES, 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

Mayor Morales opened the public hearing at 12:09 p.m.

Tom miller 4311 valley dr. speaking on behalf of Merrit Estates Development. It was suggested they contact him because of assoc with family promise nad mid affordable allinace. se tup meeting for feb 10 claled upon 2 other board members david diaz mdc jeanette cost? local hud office. met at Midland Shared spaces David and Jeanette met with rep of Merrit estates to clarify needs of midland as far as affordable housing nad to see where they would assist needs. they are setting aside a number of units for affordable housing. they understand need of Midland so win/win situation. would like to see council support. can't say maja supports because have not gone to their board.

There being no one else wishing to speak, the public hearing was closed at 12:11 p.m.

Council Member Lacy moved to adopt Resolution No. 2014 - 070; seconded by Council Member Love.

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

49. Hold a public hearing and consider a resolution on the Revitalization Plan related to Tax Credits from the Texas Department of Housing and Community Affairs. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2014 - 071

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS

ADOPTING THE MIDLAND AIRPORT CORRIDOR COMMUNITY REVITALIZATION PLAN; SUPPORTING THE PROPOSED MERRITT ESTATES HOUSING DEVELOPMENT; IDENTIFYING THE PROPOSED MERRITT ESTATES HOUSING DEVELOPMENT AS THE DEVELOPMENT IN THE 2014 TAX CREDIT APPLICATION POOL THAT CONTRIBUTES MOST SIGNIFICANTLY TO THE CONCERTED REVITALIZATION EFFORTS OF THE CITY OF MIDLAND, TEXAS; THE APPLICANT IS DDC MERRITT ESTATES, 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

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

Council Member Lacy moved to adopt Resolution No. 2014 - 071; seconded by Council Member Love.

Sparks give 30 second what voting on. Stretcher plan states what city has spent in past in this earea. 3.11 square miles and talk about what city may spend in future no commitment of funds but an outline. The other thing is putting all of support behind one project for this year. Morales it usually takes times.

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

50. Hold a public hearing and consider a resolution on Proposed Loan Commitment to DDC Merritt Estates, Ltd.; Texas Department of Housing and Community Affairs. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2014 - 072

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS COMMITTING TO MAKE A LOAN WITH CONDITIONS TO DDC MERRITT ESTATES, LTD. TO PAY FOR COSTS ASSOCIATED WITH THE PROPOSED MERRITT ESTATES 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

Mayor Morales opened the public hearing at 12:14 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Stretcher bond council contact him like two amendment. section 3 notes will have term of 15 years add "with 30 year amortization". Section 4 number 5 availability to funding sources would like to say funding "collateral" resources. Our bond council has no objection. In section 4 tried to give Council as much flexibility as possible. council needs to go back section 1 fill in an amount of the loan.

Colby Dennison 2508 Terryhill plce austin tx. Lacy asked to address Council and award grant from State of Texas and need in Midland when Council here talked about 3 different rates 5,000 10,000 15,000 is more of a palceholder that can be amended own the line. Colby two aspects one is amount you commit at this meeting and other is timing of it. because taking up today will qualify 2 extra points before appsubmtited on Friday. To do max amount of \$15,000 per unit would allow to score max points. Once take points can amend application. Can take more points and scale off but can't add on. It would b ehelpful to do max amount at end of app cycle will find out if have wiggle room and reduce loan and still maintain position within state ranking system. Love if \$15,000 and we beat San Angelo and only \$10 or \$5 then can rduce at that time. Sparks but making committment hat if it need sto be \$15,000 per unit we are committing to it. Morale swhat is point difference 15=1- 1 point listen 12:19 a point every time go down and increments 15, 10, 5, 2,500. Been experience in program apps come down to one point. This year unique such large scoring category from cities with ud for home funds witness that very hard for cities to do what doing. Hopeful when comes to July that there will be room to come down but to remind you asking to help is because state put so much emphasis on schools and Midland is not scoring oints in school areas. Duffod where money coming from? Stretcher from GF unappropriated fund balance but in section 4 gave flexibility assume loan will be 100% collateralized. Love is that understanding? Colby yes allowing self time to work out detials. done in past cash collateralized. Stretcher whatver council requires and assume will want some emchanism tha tallows reduce collateral and loan paid. Stretcher worked withDavid diaz. structure agreement as ?? David knows more about this had to restructure this loan to give them more points and that's what did. yes did before but in a way. David Diaz 5101 sherwood. Morales agreement city/mcdc gave loan and they repay. two seperate incidences where did similar one to get points sked council to support and provide financial capacity to back project. It was neve rintention to borrow but just having city state it was available to us got the points. On another instance there was off site infrastructure tha tbenefited playa as well as other proeprty owners it was bneeficial for everyone to run infrastructure sewre line nad tpa into main in that case asked City to loan money to do thatinfrastructure and then that made available as loan that will hopefully down road forgiven. Council was going to do it as a grant but for them to get more points Council restructured it as a loan.

Love asked Dennison about one more comment. Colby seen other municip use collateral to then borrow so don't need to use own funds.

David Diaz one final comment if reclal had ismilar discussion in Nov/Dec when tried to get a parcel of land and San Angelo was able to get 8 points and Midland cannot get it. Love where puts today. HOping it puts over top but don't know what is happening in San Angelo and Odessa. that is 14 point category.

Council Member Lacy moved to amend the motion by include MR. Strecher rec and include \$15,000 commitment and use their cash for the collateral ; seconded by .; seconded by Council Member Love.

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

Council Member Love moved to adopt Resolution No. 2014 - 072; seconded by Council

Member Hotchkiss.

EXECUTIVE SESSION

Suye Brannon 4501 historical society and commission encourage to come to hailey
sunday march 2 tx independent day at 2 p.m. toast texas and great celebration.

recess meeting at 12;32 a.m.

51. 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 551.087 Deliberate Economic Development Negotiations

- a.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.

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