

**MIDLAND CITY COUNCIL
MINUTES
March 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 March 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., March 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

1. Invocation - Pastor Sheldon Riley, Midland Christian Fellowship

2. Pledge of Allegiance

PRESENTATIONS

Love stop bullying

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation for Stand Together and Stop Bullying Day.
 - b. Presentation of a Proclamation proclaiming April 2014 as Midland Safe Digging Month.
 - c. Presentation of a Proclamation for American Red Cross Month.

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 comments to no more than three minutes.)

CONSENT AGENDA

Council Member Dufford moved to approve Consent Agenda items 5 - 32 excluding b, 10; seconded by Council Member Sparks.

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

5. Approved a motion approving the following minutes:
 - a. Regular meeting of February 25, 2014.
 - b. Special meeting of March 6-7, 2014.

Council Member Lacy moved to approve Special meeting of March 6-7, 2014.; seconded by Council Member Hotchkiss.

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

6. Approved a resolution approving an agreement with RouteSmart Technologies, Inc. for the purchase of Solid Waste Route Optimization software for the Solid Waste Department in the amount of \$98,200.00 and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2014 - 076

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH

ROUTESMART TECHNOLOGIES INCORPORATED, OF COLUMBIA, MARYLAND FOR THE PURCHASE OF SOLID WASTE ROUTE OPTIMIZATION SOFTWARE AND ASSOCIATED TRAVEL AND CONTINGENCIES AT A TOTAL COST OF \$98,200.00; AND APPROPRIATING FUNDS; AND THE AGREEMENT PROVIDES FOR SOFTWARE MAINTENANCE AND TECHNICAL SUPPORT AND TRAINING

7. Approved a resolution approving a professional services agreement for professional advertising services for the Midland International Airport. (PURCHASING)

RESOLUTION NO. 2014 - 077

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH CLEAR CHANNEL OUTDOOR INCORPORATED, DBA CLEAR CHANNEL AIRPORTS', OF ALLENTOWN, PENNSYLVANIA FOR PROFESSIONAL ADVERTISING SERVICES AT MIDLAND INTERNATIONAL AIRPORT; THE CITY SHALL RECEIVE THIRTY-FIVE PERCENT (35%) OF CLEAR CHANNEL'S GROSS RECEIPTS FROM ADVERTISEMENT AT MIDLAND INTERNATIONAL AIRPORT WITH A MINIMUM ANNUAL GUARANTEE OF \$50,000.00; THE TERM IS FOR FIVE (5) YEARS, COMMENCING ON AUGUST 1, 2014, AND MAY EXTEND FOR ONE ADDITIONAL FIVE (5) YEAR PERIOD UPON 90 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

Council Member Dufford moved to adopt Resolution No. 2014 - 077; seconded by Council Member Hotchkiss.

keith cllad late friday term for any or no reason terminate only for cause and in relase had 4 cliams of negligence and willing to release fel treason rec amenmdnets be adoptd for approval. Mr. Esterly called very late Friday and had to work out etween 4 and 5 p.m. or pulled but wants ti to proceed.

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

8. Approved a resolution approving the purchase of one (1) 6-8 cubic yard dump body and two (2) 12-14 cubic yard dump bodies for the Garage Division from the sole bidder Equipment Southwest, Inc. for a total cost of \$68,244.00. (PURCHASING)

RESOLUTION NO. 2014 - 078

RESOLUTION APPROVING THE PURCHASE OF ONE (1) 6-8 CUBIC YARD DUMP BODY AND TWO (2) 12-14 CUBIC YARD DUMP BODIES FROM EQUIPMENT SOUTHWEST, INCORPORATED, AT A TOTAL COST OF \$68,244.00; AND EQUIPMENT SOUTHWEST, INCORPORATED, WAS THE SOLE BIDDER

9. Approved a resolution approving a contract for the FY2014 Mill/Overlay project for the Transportation Division with Jones Brothers Dirt and Paving Contractors, Inc. for a total cost of \$4,360,857.87 and appropriating funds. (PURCHASING)

RESOLUTION NO. 2014 - 079

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH JONES BROTHERS DIRT AND PAVING CONTRACTORS, INCORPORATED, FOR THE FISCAL YEAR 2014 MILL/OVERLAY STREET IMPROVEMENTS PROJECT AT A COST OF \$4,360,857.87; AND ALLOCATING AND APPROPRIATING FUNDS

11. Approved a resolution approving annual master agreements for 1", 1 ½", 2" and 6" water meters from HD Supply Waterworks for an estimated annual cost of \$262,521.66; and 5/8", 3" and 4" water meters from Badger Meter for an estimated annual cost of \$122,800.00; for a total estimated annual cost of \$385,321.66 for the Municipal Warehouse. (PURCHASING)

RESOLUTION NO. 2014 - 081

RESOLUTION APPROVING ANNUAL MASTER AGREEMENTS FOR THE PURCHASE OF 1", 1 ½", 2", AND 6" WATER METERS FROM HD SUPPLY WATERWORKS, LIMITED, FOR AN ESTIMATED ANNUAL COST OF \$262,521.66; AND 5/8", 3", AND 4" WATER METERS FROM BADGER METER, INCORPORATED, FOR AN ESTIMATED ANNUAL COST OF \$122,800.00; FOR A TOTAL ESTIMATED ANNUAL COST OF \$385,321.66

12. Approved a resolution approving the purchase of two (2) trailer mounted mobile concrete dispensers for the Garage Division through H-GAC Contract #SM10-12 from Cemen Tech, Inc. for a total cost of \$130,472.00. (PURCHASING)

RESOLUTION NO. 2014 - 082

RESOLUTION APPROVING THE PURCHASE OF TWO (2) TRAILER MOUNTED MOBILE CONCRETE DISPENSERS FROM CEMEN TECH, INCORPORATED, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$130,472.00; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS; AND APPROPRIATING FUNDS

13. Approved a resolution approving the purchase of one (1) Spartan 4-door full-tilt, aluminum cab, aluminum body, tandem axle 75' 500# steel rear mounted telescoping ladder fire truck for the Garage Division through H-GAC Contract #FS12-13 from Metro Fire Apparatus Specialists, Inc. for a total cost of \$888,453.00. (PURCHASING)

RESOLUTION NO. 2014 - 083

RESOLUTION APPROVING THE PURCHASE OF ONE (1) SPARTAN 4-DOOR FULL-TILT, ALUMINUM CAB, ALUMINUM BODY, TANDEM AXLE 75' 500# STEEL REAR MOUNTED TELESCOPING LADDER FIRE TRUCK FROM METRO FIRE APPARATUS SPECIALISTS, INCORPORATED, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$888,453.00; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS; AND APPROPRIATING FUNDS

14. Approved a resolution approving the purchase of one (1) Urban Command Vehicle to be used as a fire rescue unit for the Garage Division through H-GAC Contract #AM10-12 from Knapp Chevrolet, Inc. for a total cost of \$118,300.00. (PURCHASING)

RESOLUTION NO. 2014 - 084

RESOLUTION APPROVING THE PURCHASE OF ONE (1) URBAN COMMAND VEHICLE FROM KNAPP CHEVROLET, INCORPORATED THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$118,300.00; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

15. Approved a resolution approving the purchase of police vehicle equipment and accessories for the Garage Division through Buyboard Contract #363-10 from Fleet Safety Equipment, Inc. for a total cost of \$105,421.28. (PURCHASING)

RESOLUTION NO. 2014 - 085

RESOLUTION APPROVING THE PURCHASE OF POLICE VEHICLE EQUIPMENT AND ACCESSORIES FROM FLEET SAFETY EQUIPMENT, INCORPORATED, THROUGH BUYBOARD AT A TOTAL COST OF \$105,421.28; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

16. Approved a resolution rescinding Resolution 2014-053 for the purchase of one (1) Elgin Eagle 4M Street Sweeper for the Garage Division from Masters International Trucks through Buyboard contract #420-13 for a total cost of \$241,987.00 and approving the purchase of one (1) Elgin Eagle 4M Street Sweeper for the Garage Division from Kinloch Equipment & Supply, Inc. through Buyboard contract #420-13 for a total cost of \$241,987.00. (PURCHASING)

RESOLUTION NO. 2014 - 086

RESOLUTION RESCINDING RESOLUTION NO. 2014-053 BECAUSE RESOLUTION NO. 2014-053 AUTHORIZED THE CITY TO PURCHASE ONE (1) ELGIN EAGLE 4M STREET SWEEPER FROM MASTERS INTERNATIONAL INCORPORATED; THIS WAS IN ERROR AND THE PURCHASE SHOULD HAVE BEEN FROM KINLOCH EQUIPMENT AND SUPPLY, INCORPORATED; THIS RESOLUTION AUTHORIZES THE PURCHASE OF THE ELGIN EAGLE 4M STREET SWEEPER FROM KINLOCH EQUIPMENT AND SUPPLY, INCORPORATED, THROUGH BUYBOARD AT A TOTAL COST OF \$241,987.00; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

17. Approved a resolution authorizing the issuance of a request for proposals for wastewater plant upgrades and sale of reuse water for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2014 - 087

RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS FOR FIRMS INTERESTED IN PURCHASING ALL OF THE WATER POLLUTION CONTROL PLANT EFFLUENT PRODUCED; THE EFFLUENT PRODUCED IS CURRENTLY AVERAGING TEN MILLION GALLONS PER DAY; SAID REQUEST FOR PROPOSALS WILL PROVIDE OPTIONS FOR THE WASTEWATER PLANT UPGRADES AND PURCHASE OF EFFLUENT WATER; A REQUEST FOR PROPOSALS HAS BEEN PREPARED FOR FIRMS TO PROVIDE OPTIONS FOR THE WASTEWATER PLANT UPGRADES AND SALE OF REUSE WATER FOR THE UTILITIES DEPARTMENT; AND THE PROJECT MAY CONSIST OF THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S WATER POLLUTION CONTROL PLANT AS NEEDED TO MEET EFFLUENT QUALITY AS AGREED TO BY BOTH PARTIES, AND MEETING A MINIMUM STANDARD OF SURFACE WATER EFFLUENT DISCHARGE STANDARDS DEFINED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

18. Approved a resolution approving the issuance of a request for proposals for turf and landscape maintenance services for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2014 - 088

RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS IN ORDER TO ENGAGE A LANDSCAPE MAINTENANCE COMPANY TO PROVIDE TURF AND LANDSCAPE MAINTENANCE SERVICES FOR THE CITY OF MIDLAND PARKS, ATHLETIC FIELDS, AND OTHER CITY PROPERTIES MAINTAINED WITHIN THE PARKS AND RECREATION DIVISION; THE ESTIMATED COST FOR TWO YEARS IS \$4,000,000.00

19. Approved a resolution approving plans and specifications and authorizing advertisement for bids for labor, material, equipment and supervision necessary for the purchase and installation of heating and cooling systems in the gym and in the weight room at the Martin Luther King, Jr. Community Center. (PURCHASING)

RESOLUTION NO. 2014 - 089

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR LABOR, MATERIAL, EQUIPMENT AND SUPERVISION NECESSARY FOR THE PURCHASE AND INSTALLATION OF HEATING AND COOLING SYSTEMS IN THE GYM AND WEIGHT ROOM AT THE MARTIN LUTHER KING, JR. COMMUNITY CENTER

20. Approved a resolution authorizing the execution of a license agreement for pictometry imagery with Pictometry International Corporation of Rochester, New York at a total cost of \$130,139.00 for the GIS Division. (PURCHASING)

RESOLUTION NO. 2014 - 090

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR PICTOMETRY IMAGERY WITH PICTOMETRY INTERNATIONAL CORPORATION, OF ROCHESTER, NEW YORK, AT A TOTAL COST OF \$130,139.00; AND THIS ITEM WAS NOT BID BUT PURCHASED AS A SOLE SOURCE

21. Approved a resolution authorizing appropriations in the amount of \$25,484.00 from the Airport Operating Fund (500) Unappropriated Fund Balance (5650) to the Emergency Roadway and Gates Rehabilitation Project (7082) and authorizing the reduction of the same from the Emergency Roadway and Gates Rehabilitation Project (7082) and the Airport Passenger Facility Charge (PFC) Fund (501) Unappropriated Fund Balance (5650) is increased by the amount of the referenced reduction. (AIRPORTS)

RESOLUTION NO. 2014 - 091

RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FOR THE EMERGENCY ROADWAY AND GATES REHABILITATION PROJECT AT THE MIDLAND INTERNATIONAL AIRPORT IN THE AMOUNT OF \$25,484.00 AND REIMBURSE THE AIRPORT PASSENGER FACILITY CHARGE ACCOUNT BY THE SAME AMOUNT IN ORDER TO NOT EXCEED THE \$19,500.00 AMOUNT APPROVED UNDER A PREVIOUS PASSENGER FACILITY CHARGE APPLICATION

22. Approved a resolution appropriating the sum of \$140,250 from the 2012 CO Technology Fund (776) Unappropriated Fund Balance (5650) and appropriating \$1,100,000 from the 2014 CO Technology Fund (777) Unappropriated Fund Balance (5650). (CISD)

RESOLUTION NO. 2014 - 092

RESOLUTION APPROPRIATING THE SUM OF \$140,250.00 FROM THE 2012 CO TECHNOLOGY FUND (776) UNAPPROPRIATED FUND BALANCE (5650) TO THE COMPUTER AND ACCESSORIES REPLACEMENT PROJECT (8983); AND FURTHER APPROPRIATING \$1,100,000.00 FROM THE 2014 CO TECHNOLOGY FUND (777) UNAPPROPRIATED FUND BALANCE (5650) TO THE FOLLOWING PROJECTS: PC, PRINTER AND SCANNER REPLACEMENT PROJECT (8983) \$330,000.00; REPLACEMENT OF STORAGE, SERVERS, SWITCHES, AND INSTALL WIFI IN CITY BUILDINGS PROJECT (8985) \$470,000.00; ATMS WIRELESS AND TOWERS AT REMOTE SITES PROJECT (8987) \$300,000.00

23. Approved a resolution authorizing the acceptance of additional grant funds from the Texas Department of State Health Services in the amount of \$10,603.00 to assist the Health and Senior Services Division with the delivery of Local Public Health Services; and authorizing the execution of acceptance documents. (COMMUNITY SERVICES)

RESOLUTION NO. 2014 - 093

RESOLUTION AUTHORIZING THE ACCEPTANCE OF ADDITIONAL GRANT FUNDS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES IN THE AMOUNT OF \$10,603.00 TO ASSIST THE HEALTH AND SENIOR SERVICES DIVISION WITH THE DELIVERY OF LOCAL PUBLIC HEALTH SERVICES; AND AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS

24. Approved a resolution approving the issuance of a permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 #7) located 660 feet from south line and 1911 feet from east line, Section 23, Block 40, T-1-S, T&P RR Company Survey, Midland County, Texas. (Generally located on the west side of Golden Gate Drive, approximately 660 feet north of Briarwood Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 094

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 660 FEET FROM THE SOUTH LINE AND 1,911 FEET FROM THE EAST LINE, SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF GOLDEN GATE DRIVE, APPROXIMATELY 660 FEET NORTH OF BRIARWOOD AVENUE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

25. Approved a resolution authorizing City Staff to advertise for bids, the Tradewinds Boulevard Utility Extension project. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 095

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE TRADEWINDS BOULEVARD UTILITY EXTENSION PROJECT; SAID PROJECT WILL PROVIDE WASTEWATER COLLECTION SERVICE AND WATER DISTRIBUTION SERVICE TO PROPOSED DEVELOPMENT ALONG THE TRADEWINDS BOULEVARD CORRIDOR BETWEEN THOMASON DRIVE AND THE GATEWAY PLAZA ADDITION AND TO FUTURE

DEVELOPMENTS TO THE WEST

26. Approved a resolution authorizing the City Manager to enter into an Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) in the amount of \$492,000 for the construction of Fairgrounds Road between Pine Avenue and E Loop 250 North. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 096

RESOLUTION AUTHORIZING THE TEXAS DEPARTMENT OF TRANSPORTATION TO PARTICIPATE WITH THE CITY OF MIDLAND, TEXAS IN THE WIDENING OF FAIRGROUNDS ROAD FROM EAST LOOP 250 NORTH TO PECAN AVENUE; AUTHORIZING THE EXECUTION OF AN ADVANCE FUNDING AGREEMENT WITH THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR THE WIDENING OF FAIRGROUNDS ROAD FROM EAST LOOP 250 NORTH TO PECAN AVENUE AT AN ESTIMATED COST TO THE CITY OF MIDLAND, TEXAS OF \$3,597,125; AUTHORIZING AN INITIAL INSTALLMENT PAYMENT IN THE AMOUNT OF \$492,000; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF TRANSPORTATION

27. Approved a resolution authorizing the City Manager to direct staff to obtain an appraisal and negotiate with Midland Independent School District (MISD) for the sale of a 10 acre lot located at the northeast corner of Mockingbird Lane and Oriole Drive. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 097

RESOLUTION AUTHORIZING THE CITY MANAGER TO OBTAIN AN APPRAISAL AND NEGOTIATE THE PURCHASE OF AN APPROXIMATE 10.00-ACRE TRACT OF LAND OUT OF THE SOUTHEAST QUARTER OF SECTION 7, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF MOCKINGBIRD LANE AND ORIOLE DRIVE); AUTHORIZING PAYMENT FOR THE APPRAISAL; AND PROVIDING THAT ANY AGREEMENT FOR THE PURCHASE OF SAID PROPERTY SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL

28. Approved a resolution to accept Midland Development Corporation funds in the amount of \$92,000 and allocate funds in order for the City of Midland to construct an 8"Ø wastewater main in the Market Street right-of-way between Basin Street and Interstate 20, and appropriate funds. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 098

RESOLUTION APPROVING A SECOND AMENDMENT TO THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE CITY OF MIDLAND FOR THE MARKET STREET PAVING AND WATER LINE EXTENSION PROJECT, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE; AND AUTHORIZING THE MAYOR TO EXECUTE SAID SECOND AMENDMENT

29. Approved a resolution authorizing staff to accept four Pedestrian Access Easements by Vineyard Reserve LLC along Sherwood Drive in The Vineyard Addition, Section 2.

(ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 099

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.104-ACRE PEDESTRIAN EASEMENT LOCATED IN LOT 4, BLOCK 1, THE VINEYARD ADDITION, SECTION 3, MIDLAND, MIDLAND COUNTY, TEXAS; AUTHORIZING THE ACCEPTANCE OF A 0.0007-ACRE PEDESTRIAN EASEMENT LOCATED IN LOT 3, BLOCK 2, THE VINEYARD ADDITION, SECTION 2, MIDLAND, MIDLAND COUNTY, TEXAS; AUTHORIZING THE ACCEPTANCE OF A 0.0008-ACRE PEDESTRIAN EASEMENT LOCATED IN A 99.10-ACRE TRACT OF LAND OUT OF THE EAST HALF OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND, MIDLAND COUNTY, TEXAS; AUTHORIZING THE ACCEPTANCE OF A 0.291-ACRE PEDESTRIAN EASEMENT LOCATED IN LOTS 1 AND 2, BLOCK 2, THE VINEYARD ADDITION, SECTION 2, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

30. Approved a resolution authorizing the City of Midland to submit a grant application for the FY2015 Edward Byrne Memorial Justice Assistance Grant Program through the Office of the Governor of Texas Criminal Justice Division. (POLICE)

RESOLUTION NO. 2014 - 100

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE GOVERNOR, TEXAS CRIMINAL JUSTICE DIVISION, FOR FISCAL YEAR 2015 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM; SAID GRANT WILL BE USED TO PURCHASE USE OF FORCE AND PHYSICAL FITNESS TRAINING EQUIPMENT

31. Approved a resolution approving Change Order Number 1 for the MBR Satellite Reclaimed Water Production Facility Project - with Red River Company and appropriate funds. (UTILITIES)

RESOLUTION NO. 2014 - 101

RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE WITH RED RIVER CONSTRUCTION COMPANY, INCORPORATED, ADDING \$99,393.96 FOR ADDITIONAL WORK TO THE EXISTING CONTRACT FOR THE MEMBRANE BIOREACTOR (MBR) SATELLITE RECLAIMED WATER PRODUCTION FACILITY PROJECT; AND APPROPRIATING FUNDS; THE ORIGINAL CONTRACT WAS FOR \$6,540,000.00; THIS CHANGE ORDER BRINGS THE TOTAL CONTRACT PRICE TO \$6,639,393.96

32. Approved a resolution approving the execution of a Task Order for additional inspection and construction management services for the several ongoing projects with CDM Smith Inc. and appropriate funds. (UTILITIES)

RESOLUTION NO. 2014 - 102

RESOLUTION AUTHORIZING THE EXECUTION OF A TASK ORDER WITH CDM SMITH, INCORPORATED, ADDING \$93,000.00 FOR ADDITIONAL WORK TO THE EXISTING CONTRACT FOR ADDITIONAL INSPECTION AND CONSTRUCTION MANAGEMENT SERVICES FOR SEVERAL ONGOING PROJECTS INCLUDING THE MIDLAND RAW WATER PROJECT AND REGULATORY COMPLIANCE SERVICES; AND APPROPRIATING FUNDS

Approved a resolution approving the sole source purchase of seventy-five (75) carbon composite MSA SCBA cylinders for the Fire Department from Casco Industries, Inc. for a total cost of \$54,000.00.

RESOLUTION NO. 2014 - 080

RESOLUTION AUTHORIZING THE PURCHASE OF SEVENTY -FIVE (75) LOW PRO CARBON COMPOSITE LIGHTWEIGHT MSA SCBA CYLINDERS FROM CASCO INDUSTRIES, INCORPORATED, OF NEW DEAL, TEXAS, FOR THE FIRE DEPARTMENT; SAID PURCHASE WAS NOT BID BUT PURCHASED AS A SOLE SOURCE AT A TOTAL COST OF \$54,000.00

Council Member Lacy moved to adopt Resolution No. 2014 - 080; seconded by Council Member Hotchkiss.

Love pulled confused as far as what sole source definition is. But simple google shoes granter total safety united fire and other companies provide this. how is this sole source? Regina Stephenson SCDA units in place now require those brand of cylinders. Branding is MSA is SCBA cylinders. specified sole brand the fact that sold by number of vendors casco is cheapest. Keith there are other vendors that could be sold on this. theres a lot of people obviously sole source as being a vendor in this case didn't choose vendor. regina sole source because MSA is sold by casco in certain distribution area. They are the only ones that can sell that brand in this area. The company has craved the state up into regions and our region new deal is only one that can sell in region.

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

SECOND READINGS

33. Consider an ordinance on second reading on 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) (First reading held on February 25, 2014.)

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

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9238.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9238 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.

34. Consider an ordinance on second reading on a request by Younger Partners, Ltd. for a zone change of annexed land to FD, Future Development District on a 28.52-acre tract of land (Tract 1A) out of Section 8 and to LR-2, Local Retail District on a 2.00-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) (First reading held on February 25, 2014.)

ORDINANCE NO. 9239

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 28.52-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 FD, FUTURE DEVELOPMENT DISTRICT; ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 2.00-ACRE TRACT OF LAND OUT OF SECTION 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

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9239.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9239 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.

35. Consider an ordinance on second reading on 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) (First reading held on February 25, 2014.)

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

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9240.

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

9240 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. Consider an ordinance on second reading 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

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9241.

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

37. Consider an ordinance on second reading 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

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9242.

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

38. Consider an ordinance on second reading on 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

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9243.

Council Member Love moved to approve the second and final reading of Ordinance No. 9243 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.

39. Consider an ordinance on second reading 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

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9244.

Council Member Love moved to approve the second and final reading of Ordinance No. 9244 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. NAY: Lacy. ABSTAIN: None. ABSENT: None.

40. Consider an ordinance on second reading 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

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9246.

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

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9247.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9247 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.

PUBLIC HEARINGS

42. At approximately 10:30 A.M. hold a public hearing and consider an ordinance on a request by Pulman, Cappuccio, Pullen, Benson & Jones, LLC #2 for a zone change from FD, Future Development District to PD, Planned District for an Office Center on a 17.521-acre tract of land out of Section 13, Block 40, T-1-S, T&P RR Company Survey, Midland County, Texas. (Generally located at the west side of Holiday Hill Road at the west extension of Green Tree Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9248

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 17.521-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED ON THE WEST SIDE OF HOLIDAY HILL ROAD AT THE WEST EXTENSION OF GREEN TREE BOULEVARD); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Jim Compton gave a brief overview of the item noting the proposal is for office buildings. changing zoning to PD for office center subject to reg of o2 office district allows buildings up to 7 storeis or 80 feet. reason for planned district is

to allow buildings taller than o1 district. want to limit max building height to 60 feet listen? purpo of reduction is to protection residential reas planned to east and west. p7z rec unan on feb 18 no op noted staff rec approval subject to conditions.

Love LLp not llc. mayor this area along holiday hill always restriction in height. Jim as come further south lower height.

Mayor Morales opened the public hearing at 11:02 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. 9248.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9248 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.

43. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Ron Childress / Graco Real Estate for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District on a 4.114-acre tract of land out of Section 4, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located near the northwest corner of the intersection of W. Loop 250 North and Whitman Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9249

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 4.114-ACRE TRACT OF LAND OUT OF SECTION 4, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED NEAR THE NORTHWEST CORNER OF THE INTERSECTION OF WEST LOOP 250 NORTH AND WHITMAN DRIVE); 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 for a zone change along loop 250 commons at north park. adopt site plans to allow continued development of property. proposing 3 pad sites northern 6 building sites on north side planned to be developed in same manor as those to west same brick architecture materials. P7Z feb 18 rev and rec unan to approve and staff concurs.

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 Adriana Moreno read the caption of Ordinance No. 9249.

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

9249 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.

44. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by David Miller for a zone change from PD, Planned District for a Housing Development to an Amended Planned District on Lot 21, Block 3, Wydeewood Estates, Section 33, City and County of Midland, Texas. (Generally located on the south side of W. Wadley Avenue, approximately 140 west of Whittle Way.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9250

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 21, BLOCK 3, WYDEWOOD ESTATES, SECTION 33, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 140 FEET WEST OF WHITTLE WAY); 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 zone change on south side of wadley for apartments. orig zoning mf1 2006 , oct 2012 site plans adopted for stucco, jan 2013 stucco portion removed and repalced with brick an dsiding, july 2013 enlarge club house by 660 feet. todya here to revert back to original building mateiral replacing siding with stucco, will be brik an dstucco. Subtle changes but site plan had been approved so needs to come back bf city council. all othe conditions remain the same. on march 3 p7z rec unan approval and staff confur with rec. Morales brick and stucco on every building, moralesyes. love 6th time. dufford mr stretcher said could put on consent nad wouldn't have to go through changes. Stretcher if don't do stuck with jsut something to keep in mind consider. listen 11:10 a.m.

Mayor Morales opened the public hearing at 11:10 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. 9250.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9250 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Morales question for applicatn david miller 8505 lubbock timing wise how doing on time? this has set project comletion date back 3 months. been on hold on project since jan 28 just shy bout 2 months. completionw as goping to be in Sept now will be end of year. Love delay on city's part or applicant. Dvid halted this portion of phase of construction

the stucco work and not done naything for 2 months as a result once get stucco back online it will take additional month to get other aspects of building comlete befe. love delay city? David delay was pd having to come back for any aspect of project hoping could get admin amendmnet to proces but had to go back through zoning. jr why all changes. david owner thought siding be better look once did rednerings too much siding and thought would be detrimental look to project so went bak to project. Morales much success.

jim pd for housing dev subject to reg on pd or mf1 the wya zoning ord issues no permits until site plan approved in same manor as zone change would still gone through process.

Love obviously need housing and anythign we can do to narrow that window.

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

listen to lacy coomment.

david possible to resume work contract and owner resume all responsibility for any work. know probably not officially final until next meeting but appreciated and llow to move forard with project. Keith asking for a permit to be issued. permit issued but stopped stucco and asked to allow to resume at own liability. Mayor can move forward but at your own risk.

45. At approximately 10:39 A.M. hold a public hearing and consider an ordinance on a request by Melissa Young dba The Hemingway for an Amended Specific Use Permit with Term for the sale of beer and wine only, for on-premises consumption, in a retail tobacco store, on 6,642 square foot portion of land out of Lot 1, less the 120 feet by 150 feet, Block 1, Myatt Addition, City and County of Midland, Texas. (Generally located near the northeast corner of the intersection of N. Garfield Street and W. Wadley Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9251

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 6,642 SQUARE FOOT PORTION OF LOT 1, LESS 120 FEET BY 150 FEET, BLOCK 1, MYATT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NEAR THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH GARFIELD STREET AND WEST WADLEY AVENUE), 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 RETAIL TOBACCO STORE 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 request to amend exisitng sup for alcohol sales. original permit approved feb 99 allowed 6 seat oct 99 45 seats inside 20 outside ???? total of 6.642 sq feet with ??? outside.

based on serviceable area max 76 inside 99 outside. prop hours are same 10-12 and sunday 10-9. P7z rec unan aproval staf concurs with rec / this 2 year term admin approved eveyr 2 years.

Mayor Morales opened the public hearing at 11:29 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. 9251.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9251 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Morales good to see small business expand and good neighbor to others in area. jr exp

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

46. At approximately 10:42 A.M. hold a public hearing and consider an ordinance on a request by Abuelo's Restaurant for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 20, Block 5, North Park, Section 16, City and County of Midland, Texas. (Generally located on the north side of W Loop 250 North, approximately 450 feet east of Billingsley Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9252

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 20, BLOCK 5, NORTH PARK, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 450 FEET EAST OF BILLINGSLEY BOULEVARD), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, 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 location of new Abuelo's in commons. this request to sell alcoholic bev in reast and outdoor patio. 376 parking spaces required. recip aprking agreement so hav eaccess. days sun thur 11-10 fri sat 11-11. p7z rec approval and staff concur subject to conditions of attache dord.

Ingress in one main entry. jim two entrance both of loop 250.

Mayor Morales opened the public hearing at 11:23 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. 9252.

Council Member Love moved approval of the first of two readings of Ordinance No. 9252 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Lacy explain parking. lets say all store had max occ is ther eenough parking? how many spots in entire. jim enough to carry everybody yes.

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

47. At approximately 10:45 A.M. hold a public hearing and consider an ordinance on a request by Chipotle Mexican Grill for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 21, Block 5, North Park, Section 16, City and County of Midland, Texas. (Generally located on the north side of W. Loop 250 North, approximately 700 feet west of Whitman Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9253

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 21, BLOCK 5, NORTH PARK, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 700 FEET WEST OF WHITMAN DRIVE), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, 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 Chipotle requesting ability to sell alcoholic beverage no alco on patio. no church school within 300 feet. days hours 11-10 daily. p7z rec approval and staff concurs subject to conditions in attached ord.

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

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9253.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9253 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.

48. At approximately 10:51 A.M. hold a public hearing and consider an ordinance on a request by Richard Tatsch for a zone change from PD, Planned District for a Housing Development to an Amended Planned District on Block 14, Block 4D and a 0.103-acre portion of Neely Avenue Service Road, Highland Park Townhouses, 2nd Section, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of "N". "A" Street and Neely Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9254

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING BLOCK 14, BLOCK 4D, AND A 0.103-ACRE PORTION OF NEELY AVENUE SERVICE ROAD RIGHT-OF-WAY, HIGHLAND PARK TOWNHOUSES, 2ND SECTION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH "A" STREET AND NEELY 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

Planning Division Manager Jim Compton gave a brief overview of the item noting proposal for the development located at west corner neely and A. Difficult area to dev due to significant difference of elevation. proposal staff believes will work fine. applicant constructed homes on east of A across from bouy elementary. proposal to amend portion of pd subject to the district. asking to allow 2 stories that will be limited to 23 feet and inches. includes vacation of portion of row to allow significant depth to get homes on property 8 single family homes on property. p7z cons march 17 rec unan approval. no written opp staff rec approval subj to cond of ord. Love go over vacation again understand that is another item but there is common area and the road and asking to vacate road to build more on area. love then what is remainder becomes private road. jim yes.

Morales how address drainage on slope? jim need to be stabilized.

Andrew Mellon 1909 W Wall maverick eng. grading already worked on with city eng prevs post right now land raw a lot of dirt so rain on land soak into ground and has rate of discharge. when make impervious structure it increases drainage. per code supposed to take care of difference. calculate that and will detain on site in different formats. this site is tight prop of taking roof drainage and store in bins or between common area will depress area near front to detain water there and percolate in ground or drain out. J.Ross something similar on project on S A. Andrew yes on many projects and using vegetation at same time. Morales slope coming down will be concrete or asphalt. very similar to other project. Garages will be on alley side rear entry. Morales back yard visual from apt complex. look nicer than apartment. Andrew 6 foot wall in rear. could essentially say providing water harvesting? yes. Sharla promote and applaud. buildings are only one story buildings.

Mayor Morales opened the public hearing at 11:38 a.m.

Kathy lanaham 2300 A Stret clarify 2 story or 1 story. only 1 story.

There being no one else wishing to speak, the public hearing was closed at 11:39 a.m.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9254.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9254 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.

49. At approximately 10:54 A.M. hold a public hearing and consider a resolution on a request by Our Lady of Guadalupe Church for a Temporary Land Use Permit for an Outdoor Amusement Function on Lots 8 and 13A, Block 7, Glendale, Section 2, City and County of Midland, Texas. (Generally located on the north side of Garden Lane, between Tyler Street and Carver Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 103

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH FAIR ON LOTS 8 AND 13A, BLOCK 7, GLENDALE, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF GARDEN LANE, BETWEEN TYLER STREET AND CARVER STREET); 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 for annual fair. located on 1401 E Garden Lane hours may 3 12-12:30 a.m. march 4 10-10 street closures and carnival rides, alcoholic beverage sales. two peace officers at all times, portable and standard restrooms, live music reduced at 10: p.m. this reso.

Mayor Morales opened public hearing 11:42 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2014 - 103; 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.

MISCELLANEOUS

50. Consider an ordinance adopting the Rate Review Mechanism tariff (RRM) as proposed by Atmos Energy Corp. (CITY MANAGER'S OFFICE)

ORDINANCE NO. 9255

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, ("CITY") APPROVING A NEGOTIATED SETTLEMENT AGREEMENT BETWEEN THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS ("CITIES") AND ATMOS ENERGY CORPORATION, WEST TEXAS DIVISION REGARDING THE

COMPANY'S 2013 STATEMENT OF INTENT TO INCREASE RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE TARIFFS ATTACHED TO THE SETTLEMENT AGREEMENT TO BE JUST AND REASONABLE; APPROVING A NEW RATE REVIEW MECHANISM; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE CITIES'S LEGAL COUNSEL

tommy purp to approve rate tariff system wide rev increase borne on w tx cities point.77 increase. the increase is infrastructure of piep and infrastructure.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9255.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9255 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.

51. Consider an ordinance on a request for the vacation of the 0.103-acre portion of the Neely Avenue Service Road adjacent to Block 14, Highland Park Townhouses, 2nd Section, City and County of Midland, 9256Texas. (Generally located on the northwest corner of the intersection of N. "A" Street and Neely Avenue.) (DEVELOPMENT SERVICES)

Planning Division Manager Jim Compton gave a brief overview of the item noting associated with 48 this prop to vacation 2 portions of row total area.0.103 acres values 13464. vacation no way impede flow of traffic on Neeley, needed in order to support zoning previous approved.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9256.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9256 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.

52. Present the 2013 Annual Accident Report. (ENGINEERING SERVICES)

Jose Ortiz present traffic eng work completed by Gary Saunders. mixed news some improvement some worse. calendar year 2013. One things evaluated number of accidents 2012-2013 decrease , decrease in interseactions with 7 ormore accidents. 29

decreased to 16. overall meb ratio every million entering vehicles that number 1 int more than 2.0 same location is Midland/Briarwood. Still look at other opportunities to decrease. listen 11:51

Whats happen looking at different ways to provide safe facilities midland learning how to deal with traffic on our roads. Did see overall increase in traffic of 2.35% but 10% increase the year before. looks like starting to stabilize.

lacy in conjunction with traffic study. jose no this done on annual basis.

Morales don't have report. jose make available to Council. Morales one point put more officers on during rush hours does this help address that area. Jose different driver patterns work with pd to identify locations nad provide additional enforcement when needed. Love does take into consideration streetsmaintained by COM does it include I20 191 and SH? Jose coutners on city roads. accident is both. do take count son big spring within city limits. love does take into consideration I-20 not main lanes but service roads. sparks fatalieities on I-20 are included. gary yes.

53. Approved a motion making appointments to the Midland-Odessa Urban Transit Board of Directors, Midland Football-Soccer and Baseball Complex Development Corporation Board of Directors, and the Housing Authority Commission; and consider motions appointing individuals to all other boards and commissions.

Council Member Dufford moved to reappoint Guy McKenzie to MOUTD; appoint Greg Maes and Hazel Lamar to Housing Authority; 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.

Sparks why have Council when Council has final say so. able to attend and sit in on executive session. sharla just a point of repsonsibility adds eight need to be there.

Council Member Lacy moved to apoint Council Member Dufford to 4b ; seconded by Council Member Hotchkiss.

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

scott dufford replacing john james

sharla need to approach strategically. concuses no more today.

EXECUTIVE SESSION

adjourn 12:03 p.m.

54. 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:

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