

**MIDLAND CITY COUNCIL
MINUTES
April 08, 2014**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on April 08, 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., April 08, 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 Robert Pase, Grace Lutheran Church

2. Pledge of Allegiance

PRESENTATIONS

Sparks presented Public Health month proc.

Hotchkiss presented Fair housing (c)

Dufford presented (d)

Mayor presented Gary Saunders (b)

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation for "Public Health Month"
 - b. Presentation of a Retirement Commendation to Gary Lynn Saunders
 - c. Presentation of a Proclamation for "Fair Housing Month"
 - d. Presentation of a Proclamation for "Financial Literacy Month"

PUBLIC COMMENT

Litsandra Hawkins, 304 S Lincoln, spoke about police dept. 22 year old daughter never in trouble in last month harassed by one officer Beltran of PD to point daughter losing self esteem. goes to midland college pregnant with triplets lost one he is coming to house, lost housing, may lose income and outrageous. PD is supposed to protect but sometimes bad seed and wanted to bring to attention.

Joe Garza 1318 Chestnut, last month gentleman registered sex offender disposing in front of house in front of family. called police to pick up and district attorney dropped charged and within one month same thing in front of daughter. want law to pass to have sex ual predator on sign in front of house in in complex.

Gerlad Mille, 932 N. Baird, bank robbed her eDec 4 on tv showed identiy and car. on his job police officer came to his job and accused him of robbing bank. knew who the young lady was knew what kind of car 2012 mercedez benz white his 1997. searched his car and knew he wasn't the one but they came inside his job and accused of robbin a bank. it was embarassing torn daily by this behavior and shouldn't have to go through that.

Kim Henderson 4512 Wilshire, here thismorning wanted to share work for Palmer Drug abuse marijuana campaign wanted to kick off year long campaign educating community because marijuana issues here. so many mths information about marijuana. educating and vailable to talk to groups about different aspect. invite community support and vaail to talk to their groups. It has to do with health of community and safety of community.

4. Receive public comments where individuals may address the City Council on City

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

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 5 - 27 excluding 8; 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.

5. Approved a motion approving the following minutes:
 - a. Regular meeting of March 25, 2014.
6. Approved a resolution amending the authorized representatives of the City of Midland, Texas, regarding Investments of Public Funds. (FINANCE)

RESOLUTION NO. 2014 - 104

RESOLUTION AMENDING THE AUTHORIZED REPRESENTATIVES OF THE CITY OF MIDLAND, TEXAS, REGARDING INVESTMENTS OF PUBLIC FUNDS; AND THAT PAM SIMECKA, THE CITY'S NEW DIRECTOR OF FINANCE, REPLACES BOB MCNAUGHTON AS A REPRESENTATIVE OF THE CITY OF MIDLAND ON THE TEXAS LOCAL GOVERNMENT INVESTMENT POOL (TEXPOOL/TEXPOOL PRIME); AND SHELBY ZUNIGA AND CHARLENE FOX SHALL BE AUTHORIZED REPRESENTATIVES OF THE CITY OF MIDLAND

7. Approved a resolution approving a three (3) year contract for heating, ventilation and air conditioning (HVAC) services for various City buildings for the Facilities Services Division from the sole bidder First Service Air Conditioning Contractors, Inc. for a total cost of \$369,384.00. (PURCHASING)

RESOLUTION NO. 2014 - 105

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE SOLE BIDDER, FIRST SERVICE AIR CONDITIONING CONTRACTORS, INCORPORATED, FOR HEATING, VENTILATION AND AIR CONDITIONING SERVICES FOR VARIOUS CITY BUILDINGS; THE AGREEMENT TERM IS FOR THREE (3) YEARS AT A TOTAL COST OF \$369,384.00, \$123,128.00 ANNUALLY; THE CITY MAY RENEW AT THE END OF THE TERM FOR ADDITIONAL ONE YEAR PERIODS UPON SIXTY 60 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

9. Approved a resolution approving a contract for the 2014 residential street pavement restoration project with the sole bidder Pavement Restoration, Inc. for \$984,220.86 plus \$15,779.14 in contingencies for a total cost of \$1,000,000.00 for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2014 - 107

RESOLUTION AWARDDING THE EXECUTION OF A CONTRACT WITH THE SOLE BIDDER, PAVEMENT RESTORATION, INCORPORATED, OF TAMPA, FLORIDA FOR THE 2014 RESIDENTIAL STREET PAVEMENT RESTORATION PROJECT IN THE

AMOUNT OF \$984,220.86, PLUS \$15,779.14 IN CONTINGENCIES, AT A TOTAL COST OF \$1,000,000.00; SAID CONTRACT PROVIDES FOR PAVEMENT RESTORATION USING RECLAMITE PRESERVATIVE SEAL FOR STREETS LOCATED IN AREA 9, MIDLAND, TEXAS

10. Approved a resolution approving an annual contract for Concession Management Services for City of Midland recreational facilities with the sole proposer O'Mulligans for 10% of the revenue from food and drink items sold; for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2014 - 108

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE SOLE PROPOSER, O'MULLIGANS, LIMITED, OF MIDLAND, TEXAS, FOR CONCESSION SERVICES FOR THE MARTIN LUTHER KING JR. COMMUNITY CENTER, WASHINGTON POOL, AND DOUG RUSSELL POOL; UNDER SAID CONTRACT, THE CITY WILL RECEIVE TEN PERCENT (10%) OF THE CONCESSION REVENUES

11. Approved a resolution approving the purchase of one (1) single axle cab and chassis and two (2) tandem axle cab and chassis' for dump bodies for the Garage Division. (PURCHASING)

RESOLUTION NO. 2014 - 109

RESOLUTION APPROVING THE PURCHASE OF ONE (1) SINGLE AXLE CAB AND CHASSIS FOR A 6-8 CUBIC YARD DUMP TRUCK; AND THE PURCHASE OF TWO (2) TANDEM AXLE CAB AND CHASSIS FOR TWO 12-14 CUBIC YARD DUMP BODIES FROM ROBERTS TRUCK CENTER OF MIDLAND, TEXAS, AT A TOTAL COST OF \$252,140.00; AND ALL OTHER BIDS ARE REJECTED IN FAVOR OF THE LOCAL BIDDER PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 271.9051

12. Approved a resolution approving the issuance of a request for qualifications for professional services (engineering and surveying) for the widening of Fairgrounds Road, and associated infrastructure, from the intersection at Pecan Avenue to Loop 250 for the Engineering Department. (PURCHASING)

RESOLUTION NO. 2014 - 110

RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ISSUE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES FOR THE WIDENING OF FAIRGROUNDS ROAD AND ASSOCIATED INFRASTRUCTURE FROM THE INTERSECTION AT PECAN AVENUE TO LOOP 250 NORTH

13. Approved a resolution authorizing the execution of Consent to Encroach Agreement between the City of Midland, Texas and COG Realty LLC at Midland International Airport (North Hangar Development Area). (AIRPORTS)

RESOLUTION NO. 2014 - 111

RESOLUTION AUTHORIZING THE EXECUTION OF A CONSENT TO ENCROACH AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS AND COG REALTY LLC, IN ORDER TO ALLOW A COVERED PARKING STRUCTURE TO BE PLACED OVER A UTILITY EASEMENT IN FRONT OF THE CONCHO ENERGY HANGAR LOCATED

IN THE NEW HANGAR DEVELOPMENT AREA AT MIDLAND INTERNATIONAL AIRPORT

14. Approved a resolution authorizing the execution of a Professional Services Agreement between the Midland Development Corporation and Parkhill, Smith & Cooper, Inc. for engineering services related to the development of the Spaceport located at Midland International Airport. (AIRPORTS)

RESOLUTION NO. 2014 - 112

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND PARKHILL, SMITH & COOPER, INC. FOR ENGINEERING SERVICES RELATED TO THE DEVELOPMENT OF THE SPACEPORT LOCATED AT MIDLAND INTERNATIONAL AIRPORT

15. Approved a resolution to amend the Entrada Business Park Protective Covenants. (City of Midland ETJ) (DEVELOPMENT SERVICES) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 113

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

16. Approved a motion on request by West Company of Midland, Inc. for the 349 Ranch Estates Section 18, to approve items requested for deferral in the amount of \$509,200.00, and to waive the associated costs of constructing the public improvements. The subject property is generally located on the northeast corner of the intersection at SH 349 and Arapahoe Road. (ENGINEERING SERVICES)
17. Approved a motion on request by Landgraf, Crutcher & Associates Inc. for the La Entrada Estates Section 4, to approve items requested for deferral in the amount of \$0.00, and to waive the associated costs of constructing the public improvements. The subject property is located in the City of Midland ETJ, approximately 700 feet north of SH 191 and approximately 400 feet west of County Road 1278. (ENGINEERING SERVICES)
18. Approved a motion on request by West Engineering Company of Midland, Inc. for the Freeland Addition Section 10, to approve items requested for deferral in the amount of \$304,300.00, and to waive the associated costs of constructing the public improvements. The subject property is generally located on the northwest corner of the intersection at Evans Lane and Golf Course Road. (ENGINEERING SERVICES)
19. Approved a resolution to amend the Public Improvement Development Agreement with Midland Development Corporation to extend the time for construction of the Briarwood Avenue Extension Project between Holiday Hill Road and Avalon Drive. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 114

RESOLUTION APPROVING AN AMENDMENT TO THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE

CITY OF MIDLAND FOR IMPROVEMENTS TO BRIARWOOD AVENUE, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE; AND AUTHORIZING THE MAYOR TO EXECUTE SAID AMENDMENT

20. Approved a resolution to amend the Public Improvement Development Agreement with Midland Development Corporation to extend the time for construction of the South Midkiff Water Main Extension Project from Industrial Boulevard to Garfield Drive and including service to the Horseshoe Arena. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 115

RESOLUTION APPROVING AN AMENDMENT TO THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE CITY OF MIDLAND FOR THE SOUTH MIDKIFF ROAD WATER MAIN EXTENSION PROJECT, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE; AND AUTHORIZING THE MAYOR TO EXECUTE SAID AMENDMENT

21. Approved a resolution authorizing the execution of a Public Improvement Development Agreement with Bernal Homes Inc for the construction of a storm water conveyance channel to serve the Mayfield Place Addition between Whitman Drive and the Midland Draw; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 116

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH BERNAL HOMES, INC. FOR DEVELOPMENT OF MAYFIELD PLACE ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED BETWEEN WHITMAN DRIVE AND MIDLAND DRAW, NORTH OF MIDLAND BIBLE CHURCH); AND APPROPRIATING FUNDS IN THE AMOUNT OF \$422,210.00 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

22. Approved a resolution authorizing City staff to accept consideration in the amount of \$1,285,014.79 from Vineyard Reserve LLC (Fasken) and place in escrow as a public security guarantee for all public improvements in the Vineyard Addition. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 117

RESOLUTION AUTHORIZING THE EXECUTION OF A LETTER AGREEMENT WITH FASKEN LAND AND MINERALS, LTD. REGARDING THE PUBLIC IMPROVEMENT GUARANTEES ASSOCIATED WITH THE PLATS WITHIN THE APPROXIMATE 320-ACRE VINEYARD DEVELOPMENT IN THE CITY AND COUNTY OF MIDLAND, TEXAS; THE VINEYARD DEVELOPMENT IS LOCATED ON HOLIDAY HILL ROAD NORTH OF BRIARWOOD AVENUE; AND AUTHORIZING THE CITY MANAGER TO DEPOSIT, RELEASE, EXCHANGE OR REDUCE SAID PUBLIC IMPROVEMENT GUARANTEES IN ACCORDANCE WITH SAID AGREEMENT

23. Approved a resolution authorizing staff to advertise for bids the Water/Wastewater/Fire Hydrant Taps project. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 118

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE WATER, WASTEWATER, AND FIRE HYDRANT TAPS PROJECT; SAID PROJECT WILL PROVIDE FOR THE INSTALLATION OF WATER, WASTEWATER, AND FIRE HYDRANT TAPS

24. Approved a resolution authorizing staff to advertise for bids the Utility Installation Unit Price Project. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 119

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE UTILITY INSTALLATION UNIT PRICE PROJECT; SAID PROJECT WILL PROVIDE FOR THE CONSTRUCTION OF SMALL UTILITY EXTENSION PROJECTS THROUGHOUT THE CITY ON AN AS-NEEDED BASIS

25. Approved a resolution to authorizing the execution of a Public Improvement Development Agreement with Fasken Land & Mineral, Ltd. and Casselman Land & Cattle, LLC. Said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 120

RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN FASKEN LAND AND MINERALS, LTD., CASSELMAN LAND AND CATTLE LLC, AND THE CITY OF MIDLAND; SAID DEVELOPMENT AGREEMENT PROVIDES FOR THE TERMINATION OF CERTAIN WATER RIGHTS AGREEMENTS, THE RELOCATION OF WATER LINES, THE REMOVAL OF WATER TANKS AND OTHER STRUCTURES, THE TRANSFER OF OWNERSHIP OF WATER WELLS, THE TRANSFER OF WATER RIGHTS, AND THE DEDICATION OF EASEMENT; AND AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO MAKE NON-SUBSTANTIVE MODIFICATIONS TO SAID DEVELOPMENT AGREEMENT THAT DO NOT CHANGE THE INTENT OF SAID DEVELOPMENT AGREEMENT

26. Approved a resolution approving the MDA "Fill the Boot" 2014. (FIRE)

RESOLUTION NO. 2014 - 121

RESOLUTION APPROVING THE MUSCULAR DYSTROPHY ASSOCIATION'S APPLICATION TO SOLICIT CHARITABLE CONTRIBUTIONS IN ROADWAYS ON BEHALF OF THE MUSCULAR DYSTROPHY ASSOCIATION BY PARTICIPATING IN THE "FILL-THE-BOOT" FUNDRAISER; THIS IS AUTHORIZED BY SECTION 552.0071 OF THE TEXAS TRANSPORTATION CODE; THE DATES AND TIMES OF THE SOLICITATION ARE MAY 7TH, 8TH, AND 9TH, 2014 FROM 8:00A.M. TO 6:00 P.M.; ALTERNATE DATES DUE TO INCLEMENT WEATHER ARE JUNE 18TH, 19TH AND 20TH, 2014 FROM 8:00A.M. TO 6:00 P.M.; THE INTERSECTION LOCATIONS AT WHICH THE SOLICITATIONS SHALL OCCUR ARE MIDKIFF ROAD AND WADLEY AVENUE, MIDLAND DRIVE AND LOOP 250, MIDLAND DRIVE AND ANDREWS HIGHWAY, AND GARFIELD STREET AND GOLF COURSE ROAD; THERE WILL BE FIFTEEN (15) SOLICITORS INVOLVED IN SOLICITATIONS AT EACH LOCATION; AND THE MUSCULAR DYSTROPHY ASSOCIATION, INCORPORATED IS

REQUIRED TO PROVIDE GENERAL LIABILITY INSURANCE PRIOR TO THE EVENT AND THE FIRE CHIEF SHALL ENSURE THAT THE INSURANCE IS RECEIVED AND APPROVED PRIOR TO THE "FILL THE BOOT" FUNDRAISER; MEMBERS OF THE MIDLAND FIRE DEPARTMENT ARE AUTHORIZED TO SOLICIT CHARITABLE CONTRIBUTIONS FROM ROADWAYS; AND ALL OTHER INDIVIDUALS ARE AUTHORIZED TO PARTICIPATE IN SOLICITATIONS IF AUTHORIZED BY SECTION 552.0071 OF THE TEXAS TRANSPORTATION CODE

27. Approved a resolution to accept a FY2014 grant award in the amount of \$160,400 from the Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program and appropriate funds. (POLICE)

RESOLUTION NO. 2014 - 122

RESOLUTION ACCEPTING A FISCAL YEAR 2014 GRANT AWARD FROM THE SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM IN THE AMOUNT OF \$160,400.00; THIS GRANT WILL BE UTILIZED FOR THE PURPOSE OF ENHANCING AND COORDINATING DRUG CONTROL EFFORTS AMONG FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES TO BETTER COMBAT DRUG TRAFFICKING; AND APPROPRIATING FUNDS

8. Approved a resolution approving a contract for labor, material, equipment and supervision necessary to re-roof the buildings located at the baseball stadium and football stadium at the Scharbauer Sports Complex from the sole bidder, Lydick-Hooks Roofing Co. of Midland, Inc. for \$798,439.00 plus contingencies of \$79,843.00 for a total cost of \$878,282.00 for the Community Services Department; and appropriating funds to a project. (PURCHASING)

RESOLUTION NO. 2014 - 106

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR LABOR, MATERIAL, EQUIPMENT AND SUPERVISION NECESSARY TO RE-ROOF THE BUILDINGS LOCATED AT THE BASEBALL STADIUM AND FOOTBALL STADIUM AT THE SCHARBAUER SPORTS COMPLEX FROM THE SOLE BIDDER, LYDICK-HOOKS ROOFING COMPANY OF MIDLAND, INCORPORATED, IN THE AMOUNT OF \$798,439.00, PLUS CONTINGENCIES OF \$79,843.00, FOR A TOTAL COST OF \$878,282.00; AND APPROPRIATING FUNDS

Dufford pulled just as point of fact to let citizens know in 2016 we're all going to be looking at possibility of 4b sales tax go away. this item is essentially to replace roofing on both sports complexing that is nearly 900,000. point is that 4b if in fact goes away then that 878,000 will come out of gf of which all property owners will have to bear expense to keep sports complex up to standards that midlanders expect. Decision on weather retake wadley or replace astroturf. that is why making point that at some point will come up for vote for what to do with 4b.

Council Member Dufford moved to adopt Resolution No. 2014 - 106; 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.

SECOND READINGS

28. Consider an ordinance on second reading prohibiting parking between 7:30 A.M. and 4:30 P.M. on school days only upon portions of certain streets in the vicinity of Henderson Elementary School; except to residents whose property abuts such streets and have obtained a valid parking permit. (ENGINEERING SERVICES) (First reading held April 9, 2013.)

ORDINANCE NO. 9136

AN ORDINANCE PROHIBITING PARKING BETWEEN 7:30 A.M. AND 4:30 P.M. ON SCHOOL DAYS ONLY UPON PORTIONS OF CERTAIN STREETS IN THE VICINITY OF HENDERSON ELEMENTARY SCHOOL DESCRIBED AS ON THE NORTH SIDE OF GRACELAND DRIVE FROM THE NORTH SOUTH ALLEY WEST OF BENTWOOD DRIVE CONTINUING EAST A DISTANCE OF 921 FEET TO THE NORTH SOUTH ALLEY OF ERIE DRIVE, AND FROM THE WEST SIDE OF BENTWOOD DRIVE FROM THE CENTERLINE OF GRACELAND DRIVE CONTINUING NORTH A DISTANCE OF 368 FEET, AND ON THE EAST SIDE OF BENTWOOD DRIVE FROM THE CENTERLINE OF GRACELAND DRIVE CONTINUING NORTH A DISTANCE OF 398 FEET, AND ON THE WEST SIDE OF WILSHIRE DRIVE FROM THE CENTERLINE OF GRACELAND DRIVE CONTINUING NORTH A DISTANCE OF 372 FEET, AND ON THE EAST SIDE OF WILSHIRE DRIVE FROM THE CENTERLINE OF GRACELAND DRIVE CONTINUING NORTH A DISTANCE OF 271 FEET, AND ON THE WEST SIDE OF ERIE DRIVE FROM THE CENTERLINE OF GRACELAND DRIVE CONTINUING NORTH A DISTANCE OF 238 FEET, AND ON THE EAST SIDE OF ERIE DRIVE FROM THE CENTERLINE OF GRACELAND DRIVE CONTINUING NORTH A DISTANCE OF 397 FEET EXCEPT TO RESIDENTS WHOSE PROPERTY ABUTS SUCH STREET AND HAVE OBTAINED A VALID PARKING PERMIT; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO ERECT APPROPRIATE SIGNS; DECLARING ANY VEHICLE IN VIOLATION OF THE PROVISIONS OF THIS ORDINANCE A NUISANCE AND PROVIDING FOR THE REMOVAL OF SAME; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9136???

Engineering Director Jose Ortiz gave a brief overview of the item noting Gary involved in this item he give report. Traffic Engineer Gary Saunders. last year went before city council for first reading. received petition and was deferred. memo explained the situation and scenario but didn't put recommendation in for this because school district was going to try to work on this. his understanding this has ocured and does not want to set precedence for restricting parking at elementary schools. morales snowball effect allowing permits near elementary school. Lacy do you feel sign would do anythign without law enforcement there to enforce them.

Dr. Ryder Warren supposed to address lastamonth and fmaily issues tha tneeded to be taken car eof. Gave homework last year to address concern of neighbors around Henderson. Invited all people hwo signed petition for community meeting at Henderson. Had about 5 people show up. The person who gave most critical aspects of problem. New principal. Changed traffic patterns in front of school 3 new drop off areas to get

kids out. Can see through narrative narrowed to a 20 minute issue and can't say enough about parents who have bought into it. Told Jerry support it, if you need him to do more. support parking restrictions around secondary schools or any schools with student drivers. Need to get onto parking lots and off streets. Elementary is different setting. Don't want to tell parent don't want to bring child into school. Committed to build parking lot as soon as can get bids back to get more parent off street and partnership with church is allow staff members to use parking lot of church. provide added spaces for parents and reconfiguration for traffic. as read Tonya's narrative may compliment. One complain one neighbor said three cigarette butt out of car on property and parent denied. If look at #5 have couple days high traffic days xmas seeing system working don't want to start precedent. Think can come together and work together and want to have good relationship with neighbors and parents. In place can say not hearing issues had in past.

Sparks last Friday went by Henderson at 3:48 could not tell that had been class that day they were gone. Drove around block to make sure was at right school. Whatever did must have worked well. Rynder will be in constant analysis mode and have to change up on an annual basis how do things. Lacy thanked Dr. Warren and school district. Received one phone call want permit and many that do not want permits. When was school put in? Ryder 1950's.

Rynder would like to come to future meeting gave rec for new elementary school zones. newest elementary is reathouse which is #21. bring in next few weeks.

Kay Richmond 4719 Erie, she is one person that complained about cigarette butt thrown in yard. this is anniversary month met first time in April 2013. must say we've got to quit meeting like this. Impression when met in July was to give Ryder Warren opportunity to have parking lot built by March and told by Council members that if wasn't constructed that permit signs would go up. Parking is better but still problems. Still have people who park in front had lit cigarette tossed in dry grass while sitting outside. Wind blew it back in street. Had person pull up in front yard with passenger driver goes to school passenger looks at her and tosses trash in front yard. She asked him to pick up trash. and he refused. Next day comes back and tossed cigarette in yard again. Still have problems and other people on petition have had problems too. Wilshire is pretty congested. Were told parking lot would be built by March but no guarantee that is going to happen. Expect him to stand up to his word. Hoping Council will approve and understand don't want precedence at other schools. Asked for a yes vote on permit parking. Neighbors have said to speak on their behalf and they gave permission for Council to call.

Morales this is not battle between you and Dr. Warren but an attempt to find a solution to accommodate everyone. Neighborhood meeting went well and has been in effect for a while and has gone very well. Less than 1% in opposition to new procedures and looks like trying to accommodate her. Streets are cleaner, safer and hope look beyond competition not a battle.

Dufford have you seen same repeat offenders? Key different one two have been put up to carry on. don't go out and sit now because when that happens is when that happens. Grace set on fire from cigarette being tossed out. Concern is don't get permit parking then start seeing more problems because didn't get approved. Dufford would be interesting for her to identify people that are harassing repeat offenders. Kay did identify

to principal and he denied it to principal. Asked her to identify people something could be done. By time clal police. Hitchkiss right down license plate of car. Key told by PD that nothing can do. Lacy think majority of Council concern is parking permit isn't going to stop that and by time clal laready gone. Just don't see hwo parking signs will solve issue. Seems handful of bad apples. Lacy concern is enforcement side if don't have plice officer then counter productive. Kay what guarantee that parking lto being built.

Warrent approved in bond not about want to but have to. Only thing delaying is bid. going out for second bid. Goal is to have every bit of work done by christmas. That was initial goal told would put on priority but couldn't afford it. going to have to go outside of Midland to try and find contractors.

motioned died for lack of second.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9136 in accordance with the Charter of the City of Midland; seconded by Council Member .

29. Consider an ordinance on second reading 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) (First reading held March 25, 2014.)

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9248.

Council Member Love moved to approve the second and final reading of Ordinance No. 9248 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.

30. Consider an ordinance on second reading 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) (First reading held March 25, 2014.)

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9249.

Council Member Love moved to approve the second and final reading of Ordinance No. 9249 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.

31. Consider an ordinance on second reading 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) (First reading held March 25, 2014.)

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9250.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9250 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.

32. Consider an ordinance on second reading 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 North Garfield Street and West Wadley Avenue.) (DEVELOPMENT SERVICES) (First reading held March 25, 2014.)

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9251.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9251 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.

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

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9252.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9252 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.

34. Consider an ordinance on second reading 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) (First reading held March 25, 2014.)

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9253.

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

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

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9254.

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

36. Consider an ordinance on second reading adopting the Rate Review Mechanism tariff (RRM) as proposed by Atmos Energy Corp. (CITY MANAGER'S OFFICE) (First reading held March 25, 2014.)

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9255.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9255 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 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, Texas. (Generally located on the northwest corner of the intersection of N. "A" Street and Neely Avenue.) (DEVELOPMENT SERVICES) (First reading held March 25, 2014.)

ORDINANCE NO. 9256

AN ORDINANCE VACATING AND ABANDONING A 0.103-ACRE PORTION OF NEELY AVENUE SERVICE ROAD RIGHT-OF-WAY ADJACENT TO BLOCK 14, HIGHLAND PARK TOWNHOUSES, 2ND SECTION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH "A" STREET AND NEELY AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$13,464.00; AND ORDERING RECORDATION BY THE CITY SECRETARY.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9256.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9256 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.

PUBLIC HEARINGS

38. At approximately 10:30 A.M. hold a public hearing and consider an ordinance on a request by Pulman, Cappuccio, Pullen, Benson & Jones, LLP #3 for a zone change from FD, Future Development District to MF-1, Multiple Family Dwelling District on a 7.212-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. 9257

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 7.212-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 AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF HOLIDAY HILL ROAD AT THE WEST EXTENSION OF GREEN TREE 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 purpose of building apartments 9 buildings with 39 units. Developer has on north side of property established oil to release second yard setback from 20 feet to 10 feet. offer 128 parking space which is more than required. P&z cons march 17 and rec un approval no opposition.

Hotchkiss asked in past to be sure stone up to certain height, please address. Jim stone brick and stucco. Buck Benson, , material is adhered masonry and hearty plank, stucco, masonry up to 1/2 of building and stucco above.

Mayor Morales opened the public hearing at 11:16 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. 9257.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9257 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.

39. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Lawrence Prucka for a Planned District Site Plan on Lot 12, Block 28, Wydehood Estates, Section 21, City and County of Midland, Texas. (Generally located on the east side of Sunburst Drive, approximately 450 feet south of West Wadley Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9258

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 12, BLOCK 28, WYDEWOOD ESTATES, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF SUNBURST DRIVE, APPROXIMATELY 450 FEET SOUTH OF WEST WADLEY AVENUE); SUBJECT TO THE FOLLOWING CONDITIONS AND RESTRICTIONS; 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 for office building. this is a permitted use for the land. building will be one story in height. brick and stone mat. p7z rec unan on march 14. rec no opposition to proposal.

Mayor Morales opened the public hearing at 11:19 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. 9258.

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

9258 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.

40. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by Jamie Rodriguez for a Specific Use Permit without Term for an accessory building for living or sleeping quarters on Lot 7, Block 1, Highland Addition, City and County of Midland, Texas. (Generally located on the north side of West Cuthbert Avenue, approximately 50 feet east of North Colorado Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9259

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF LOT 7, BLOCK 1, HIGHLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST CUTHBERT AVENUE, APPROXIMATELY 50 FEET EAST OF NORTH COLORADO STREET), WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR AN ACCESSORY BUILDING TO BE USED FOR LIVING OR SLEEPING QUARTERS; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Jim Compton gave a brief overview of the item noting in 1-F2 district and applicant asking for permit to allow accessory building for living and sleeping quarters 600 sq ft plus 25 sq ft porch. meets setback requirements. property enclosed with 6 foot fence which prohibit driveway access from alley to deter rental. occupation by family members. p7z recd unanimous approval no opposition. sparks it will be used by a family member but don't know why wouldn't add to house. how do you make sure not rental property in future? Jim primary thing is ensure fence in back to no direct driveway access and not allowed to have door that faces directly to alley. Will have to come through side of house or through house. Plus put something in deed that says future owners that says cannot rent out as separate dwelling. require certificate of occupancy is issued. item 7 file copy with county clerk that cannot be used.

Mayor Morales opened the public hearing at 11:25 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. 9259.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9259 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.

41. At approximately 10:39 A.M. hold a public hearing and consider a resolution on a request by Kevin Doan for a variance to the Subdivision Code concerning the required paying for an alley for rear entry access on Lot 9, Block 3, Ranchland Heights, City and County of Midland, Texas. (Generally located on the north side of Bedford Drive, approximately 90 feet west of West Broadway Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 123

RESOLUTION GRANTING A VARIANCE FOR LOT 9, BLOCK 3, RANCLAND HEIGHTS, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BEDFORD DRIVE, APPROXIMATELY 90 FEET WEST OF WEST BROADWAY STREET), BY PERMITTING ACCESS TO SAID PROPERTY FROM AN UNPAVED ALLEY THAT DOES NOT CONFORM TO CITY OF MIDLAND STANDARD SPECIFICATIONS

Planning Division Manager Jim Compton gave a brief overview of the item noting request for variance from subdivision code. went through)&Z . do with alley paving want to build garage on alley in rear have to pave from end of alley to far side of alley. in ranchland heights subdivision. P7Z can't approve variance unless meets 4 findings. Did not meet second condition that had hardship. staff rec denial on March 17 p7Z rec approval of request by 701 vote and here to ask to be determined by City Council. No letters of opposition.

Mayor Morales opened the public hearing at 11:28 a.m.

Brent & Mindy Drummond 1702 Bedford, If have time have short presentation. Have hard copies of presentation. limited space in front restricting from building from entry garage. with cost of paving alley. have overwhelming of support from neighbors. have 701 approval. 9 houses on block 3 have children under age of 5 prefer to park in back. backing in and out of front . have no way to slow down traffic and have limited reason to traffic big issue. Cost of paving have estimate from paving engineering. Neighbors on either side already have rear entry garages no even way to make everyone chip in except for them. \$10,00 is best case goes to garage.

Have support letters all approved. copies of signatures from neighbors signed in favor of variance. showed pictures of rear entry garages in area without being paved.

There being no one else wishing to speak, the public hearing was closed at 11:35 a.m.

Council Member Dufford moved to adopt Resolution No. 2014 - 123; seconded by Council Member Hotchkiss.

sparks don't see anything that makes different from anybody else's. So can't approve and to be consistent have great argument but if continue to get variances then change so don't have to come before city council without paving because waste of time if going to approve for everybody. If interested in approving then need to change ordinance.

Hotchkiss has heard arguments and have research paper. What achieve by blocking persons ability to add on property and increase tax values is negative. need to address whole problem. By would like to support this couple.

Love propose is that city is responsible for repairing alley so when have a lot of cars

that will put a lot of wear and tear on alley that city is responsible for repairing. Last time came up had conversation to see if some type of mechanism to pave portion of alley. Seems like sentiment is unnecessary and will improve then direct increase of cost to tax payers. Need to figure out way to solve problem to keep expenses down and not have to raise taxes. Alley is terrible and no rear entry garage. Can support item but concerned for future.

Lacy already multiple homes with rear alley access and shouldn't punish them for going through process.

Jose Ortiz council Member Love on point. Agree need to work with them and agree with variance. A lot of other homes are already using it so makes sense to support. Going to enter point of no return because it is a maintenance issue but they are not calling to repair alley but when start introducing sedans and vehicles then get those complaints concern is need to provide mechanism because in future when start adding access can't stand condition puts strain on staff and workload. Lacy sedan doesn't produce rut that 2 ton truck does. Jose multiple vehicles being added and every trip contributes to wear and tear. Hotchkiss when talk about alley have construction that takes place that has nothing to do with residential. Sparks saw a lot of pictures of alleys when last maintained. Jose case by case have to repair alley caliche 5-10 years. When have pavement ends to dirt causes more issues.

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

42. At approximately 10:42 A.M. hold a public hearing and consider a resolution on a request by Bourbon St., D.C. for a Temporary Land Use Permit for an Outdoor Amusement Function on the 100 block of East Texas Avenue, Original Town, City and County of Midland, Texas. (Generally located on East Texas Avenue, between North Main Street and North Baird Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 124

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN OUTDOOR AMUSEMENT FUNCTION ON THE 100 BLOCK OF EAST TEXAS AVENUE, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON EAST TEXAS AVENUE, BETWEEN NORTH MAIN STREET AND NORTH BAIRD 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 temp land use permit want to close portion of TX avenue for street dance outdoor party schedule sat may 3 3-12 alcoholic beverages sold and light music, two certified peace officers for portable restrooms they have requested temp street closure and requiring barricade plan and indemnify city. Morales block fenced in one entrance

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

Hilda Armendarez 1613 , second anniversary close both end of street on main and behind alley of building. entrance on back side on west because more parking there. Hardly any type of parking. restroom inside fenced area and intention to have outside bars. one outside and one inside. band and food vendors trying to have swtage.

Lighting will rent tower lights.

J.Ross safety concern with Wall street lofts machinery right there will they put second fence up . Hilda from front of building to probation office. part of Texas Avenue is what has construction. Worried about portion where parking garage. Who is liable if someone gets injured with a project going on. If someone gets hurt. don't serve beer on street. Talk with construction company to see if barricades in place.

Dufford along line need to address having event don't know what take place building wise will they be able to access their site? Worried if they can access worksite if street shut down. Him? they can still access. Marcelino Armendariz.

There being no one else wishing to speak, the public hearing was closed at 11:55 a.m.

Council Member Love moved to adopt Resolution No. 2014 - 124; seconded by Council Member Sparks.

Lacy doesn't go to end of tx alleviates concern.

Sparks is working on sat. Courtney staff follow up make sure okay for both parties.

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

MISCELLANEOUS

43. Approved a motion on whether the financial backing, financial term sheet and/or commitment submitted by or on behalf of 301 Ventures, L.L.C. complies with the Agreement between the City of Midland and 301 Ventures, L.L.C. The evidence of adequate financial backing of the individual or entity constructing the Fuel Hotel was to be provided to the City of Midland by April 1, 2014. This evidence was to include current documentation from a bank or other lending institution stating that they are providing a specific funding level to support the hotel project without disclaimers, caveats, or exceptions. The City Council shall consider a motion on whether 301 Ventures, L.L.C. has complied with the requirement to "break ground" by April 1, 2014 toward the continued, sustained and meaningful construction toward the completion of the Fuel Hotel project in downtown Midland. (301 Ventures, L.L.C. is sometimes referred to as Texas 301 Ventures, L.L.C. in the contract documents) (CITY ATTORNEY'S OFFICE)

Courtney have not received any financial commitments from any banking institutions for this project. Bank last working with was going to meet last Thursday and they have not made approval still doing due diligence in answering questions. Deadline was April 1st.

Love Mr. Cattera rec that make sure meet deadline other wise he would not be able to support item. For sake of Council for sake of public please tell what's happening why have been delayed and why should this body even consider moving forward with project.

Mr.Cordero not a function of parties wherewithall to get it. rely on third parties to tell when ready at this point have assurance from consortium of bankers would have letter by deadline and time passed and still don't have. main bank west Texas state bank and first national bank of Stanton. Stanton already approved and banker here to discuss

their part of deal . delay occure din toher bank because banker had to leave town but had a conflict. Very excited about going forward already broke groundwith own money and will cotniue to do things need to do on own dime. Committed to project and Midland. they have 6 hotels and 2 on drwing board. He hasn't got what hewanted either. Still wnat to go forward with project. Just need mroe time to get everything to gether and allow Mr. Finch to explain delay.

Boyd Finch first natl bank of Statnon mgr her ein midland 200 N loraine, committed to project and approved internally. Only small bnk and can only handl so much of funding les robbin of w tx bank. reached approval on one committee level and left town before reached other comittee approval and will be able to get once approved. The committee had general questions of proprietors that he way trying to answer. History goes back extensively with patls on various hotel projects. It is a little easier to introduce to his board and his bank and Les did not have that history and having experience in getting ove rhurdles. Mr. Patel interest in othe rventures and properties is extensive. 20 other varied interest tha tmade up of that he is part of. When look at credit don't just look at project or borrow but hwole picture. It took them some time.

Lacy why don't we have approval documentation. approved last week at committee level his portion is minor portion. Cna;t do his without other. 1.750 approved 1.5m on his part w tx remian 9.6 M Love you implied other banks re not looking at credit but personal info. Stanton not sure of their internal process but officer level loan committee based on loan amount going to further level of approval. Think at that meeting they chose not to decline the request although could you answer few other questions regarding time of owerhsip onv arious properties what are contingencies for cost overrun. Did not relate to credit analysis, cash flow or callateral. Love worked in past with Patel's could you talk about projects and completion dates and how projects ran. Stnaton 8 years when employed with commerical state bank. first initial project is off bankhead and midkiff 3 structure property 300 plus rooms. when got involved it was nto habitable financed 2.5 M to do remodel project similar to what tlking here. Got done with budgeted money. time frame step in process rehabilitating part of property and mkaing available for renting and continued with project. Nwever ahitch neve rproblem from lending standoint. Love relationship with Mr. patel ever seen or experienced any delays in prefinancing before? Stanton not from his part from from bank standopint of asking for mroe informaiton. He is well involved in 12 tx prop 12 ca properties several odessa properties. Love based on Stanton due diligenc eon project do you feel amount requested aggregate is sufficient enough to make this project successfull top to bottom? Stanton limited experience of seeing size of projects say this is probably more than he needs don't see him running out of funds. He confident that maount of money is sufficient to do what they say going to do.

Dufford based on experience have loaned money on new construction 135,000 a room roughly? Stanton seems high. Dufford seen cost; don't know hwat its like to rehab old building they turn out to be a lot mroe expensive then what thought going in. If difference is 100,000 what will it cos tto rehab old building think would be more expensive than 11m requested. What kind of equity participation from developer. Stanton as is value 60% of value on as is. as complete less then 50% based on proposed construction and rehabilitation. How much equity requesting. Stantion 30% real equity from borrower. Lacy told at last meeting didn't have appraisal. Morale syou have small part and are supportin project. Stanton , yes. He can provide his paperwork today. First natl bank of stanton.

Lacy number saw on Thursday 7.5 now talking 11m. Patel 7.5 for construction 11m is total cost. Lacy walked through building dpo not consider it ground breaking. Asked if have not seen financial dedication for ground breaking. Now asking for 5th extension. This is only second extension. Sagar Kumar 3-0-0 w wall street. Courtney originally committed to oct nov deadline this body extended to feb did make now april 1st. Officially only two extension.

Kumar document in August that says when building supposed to be decided. finally original deadline was in octo 2013 but never go signed agreement back until nov impossible to go to financial institution without parking. in agreement if delay caused by city exception would be granted but doesn't say what time is. Some misunderstanding on what textnetions have been given in past. Morales off last meeting alone told you how much time do you need. Kumar appreciate last extension and appreciate it. We continue to do everything in power to get approved but dealing with third party entities. Invested several million of own money. People working in here doing demolition and ask bear with us to make project a success. Love if this were to proceed, what would happen? Kumar would lose parking making it harder to get financing but invested too much money to stop. Probably 6 month delay in start. Dufford if turn it down today because tired of granting extension what's to stop going get financing contingent to parking and come back with City. Will do that if give building back.. Morales one option is give back building and they can move forward with project. Feel like if allow a little more time don't have to redraft everything. Much more complicated. law of unintended consequences. if give more time don't have to go through whole process of undoing what did. Morales been very supportive of downtown and would like to see building cleaned up but have a trust factor. Cordero committed 2.5M in project and want it to go forward. Know this is going to be catalyst that gets things going. Will create parking for public and parking for their building.

Dufford if at lip of cup with other bank though if that close all you have to do is regardless if deny why doesn't bank go your going to get building back or have money something will happen not sure that is real issue with banks. if telling at lip of cup not more than a couple of weeks away then matter of directors approving. Cordero loan agreement is predicated on agreement. If don't have agreement then have to go through whole process. Kumar willing to concede will forgo 2 ten year extensions. Lacy spirit of current agreement has not been honored and need to draw up new agreement that okay for both sides. Cordero were given assurances because felt letters were coming. Implore Council to give time to get this done.

Love this in district and support downtown revitalization. fallout energy tower well existing buildings why don't you revitalize those and this is an opportunity to do that. Sometimes things just don't work out the way you think. Imaesa took 5 years. sometimes happen don't know if it's a trust factor. Hate to see if at lip of cup and can do this and can add 600-700,000 of taxes would like to see us try to do that. Concern is whether or not have enough funds to do deal the way it needs to be done. Can we explore another option that says if get letter tomorrow or next week then can proceed or have to draft new deal? Keith only thing can think of if want to extend current agreement for amount of time you can do that now. If don't the agreement has expired and it's over. there's nothing in between. Either extend or it's over. Love can apply concessions to it? energy tower has built in delay if don't get groundbreaking can pay \$100,000/month for so many months.

Mr. Finch clearly delays are due to financing don't think getting beat up over what doing or not doing since he's been involved didn't realize so much time frame and deadlines. Maybe would have moved faster. financing of it has not been on them not doing what needed to be done. Dufford what have concerns been of other banks? at limit or market overbuilt? Finch just in general hotels are something local banks don't see very often so not in tune to them. When one bank has a hotel that fills their portfolio for hotel. Concern is granted approval what happens when things slow down? but when look at where with all of borrower and it looks good.

Hotchkiss concerns her that communication was so poor that you didn't know what deadline was. Found at last meeting was that a sense of trust was lacking. When told local banks were interesting it was pleasing because local banks would be here to know if things were done and done correctly. Very optimistic but no negotiations nothing signed and. Council very clear of their expectations and that was not conveyed to bankers.

Dufford how many other banks do you participate with? Finch off hand 4 other banks for him personally. sparks when brought into deal? Finch 60 days ago. Cordero have other banks in mix but individuals met with last time still have interest in going forward and is better than Dallas group. had still available but wanted to do local had get a better deal. can still do other deal with them and what to do with local guys. it gives everybody more comfort.

Kumar penalty would be willing to 5,000 - 10,000 per month. Kumar been working on for 2 years and have extensive background on figuring out. Morales in final stages if denied can come back if approved and don't get financing still retain building. City doesn't lose. Only thing talking about is time issue (LOVE). city delays project all time. Keith City has option of keeping the building. Cordero if terminate agreement that sale was part of that agreement and that would have to start over and revert back. Keith do not remember a reversionary clause in that deal.

Kumar went into deal gave building in exchange for parking if don't get deal then want building back.

Keith agreement has terminated on its own terms and property has already been deeded to city through no fault of city therefore the city would have option to keep building or deed building back. but if agreement expires on own terms at no fault of city city is not culpable then city has option of keeping building or giving it back. if want to keep it you could because city did nothing wrong. Agreement has terminated on its own terms. it has been requested by the applicant that you extend the terms. If extend terms then Council chooses how long to extend it. other question is has ground breaking been complied with. it's been worked on for long time by asst city manager but believe there has been two extensions. Cordero bldg comes with added responsibility. Cordero the process of agreement lapsing or terminating. If choose to terminate building reverts back and becomes their responsibility to raze. if at some point in future do not want obligation to knock down and put in parking garage mechanism is not available. Just going one step further no mechanism available.

Applicant here to ask for extension.

Sparks nto for giving antoher extttention. as far as what happens with building think should tkae that under advisement and discuss and get back with them. Stretcher get back with them when directed by Council on what to do with the building. Dufford in meantime direction agreement is expired so why don't take up at another session at how to dispose of building and if come up with all financing maybe something happens while trying to fiture out what to do. It's expired until decide what to do then say keep working on financing. Courtney staff working on rfq to issue asbestos and demo of building o fsw. courtney if contract expires it takes away city obligation to provide parking cna still move forward with demo of building. if want to come up with tirz agreemeent or 380 can negotiate something different. if expires it eliminate city's requirement for parking. Dufford if you need parking then we can work that out contingent upon request of bnak.

Love motion to extention to may 15 to provide financing. dies for lack of second.

Courtney make motion somebody could get mtoino to declare contract is expired.

Council Member Sparks moved to not grant extention and agreement has expired; seconded by Council Member Dufford.

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

Council Member Love moved to give extention to May 15 to provide financing.; seconded by Council Member .

44. Consider an ordinance on a request by Troy Hunt Homes, Ltd. for the vacation of the 1.04-acre portion of Holiday Hill Road adjacent to the reserve tract in Green Hill Terrace, out of Section 7, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the east side of Holiday Hill Road, approximately 300 feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9260

AN ORDINANCE VACATING AND ABANDONING A 1.04-ACRE PORTION OF HOLIDAY HILL ROAD RIGHT-OF-WAY ADJACENT TO THE RESERVE TRACT IN GREENHILL TERRACE, OUT OF SECTION 7, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF HOLIDAY HILL ROAD, APPROXIMATELY 300 FEET NORTH OF MOCKINGBIRD LANE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$10,400.00; RETAINING A GENERAL PUBLIC UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Planning Division Manager Jim Compton gave a brief overview of the item noting for 17 apartments east sid eof Holidya Hill approved zoning for that and need vacation to meet 12:58 checked with utility and suddenlink maintains easement. land is valued 20,000/acre valued at 10,400 staf rec approval of request.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9260.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9260 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.

45. Consider an resolution creating a Traffic Corridor Analysis District for the SH 349 & Fairgrounds Road Corridor; and appropriating funds therefor; said district being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

ORDINANCE NO. 2014 - 125

RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A FEE PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 395.081 FOR THE STATE HIGHWAY 349 AND FAIRGROUNDS ROAD TRAFFIC CORRIDOR ANALYSIS; ESTABLISHING THE STATE HIGHWAY 349 FAIRGROUNDS ROAD TRAFFIC CORRIDOR DEVELOPMENT AREA TO BE A 5,532.23-ACRE TRACT MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS MADE A PART HEREOF; PROVIDING THAT SAID FEE SHALL BE IN THE AMOUNT OF \$10 PER RESIDENTIAL UNIT, \$20 PER MULTIPLE-FAMILY PARKING SPACE, AND \$20 PER COMMERCIAL PARKING SPACE INCLUDED IN EACH PLAT OR BUILDING PERMIT APPLICATION WITHIN SAID DEVELOPMENT AREA; AND PROVIDING THAT SAID FEE SHALL BE COLLECTED THROUGH PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENTS WHICH MUST BE APPROVED BY THE MIDLAND CITY COUNCIL

Council Member Lacy moved to adopt Resolution No. 2014 - 125; seconded by Council Member Love.

Robert Patrick 1:01 trying to address traffic impact of.. listen dufford talked about previous council how going to handle this iwill be paid for by developers and they concur good agreement to meet needs.

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

46. Consider motions making appointments to the Midland Football-Soccer and Baseball Complex Development Corporation Board of Directors; and consider motions appointing individuals to all other Boards and Commissions.
47. At approximately 1:30 p.m.hold a joint workshop with the Planning and Zoning Commission and the City Council to discuss with Freese/Nichols the proposed amendments to Title XI, of the Midland City Code (Zoning Code).

EXECUTIVE SESSION

recessed meeting to executive session at 1:03 p.m. noting would be back at approximately 1:30 p.m.

reconvene 1:59

48. 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.
- b. Section 551.074 Personnel Matters
 - b.1. Deliberate the employment, evaluation, compensation and duties of the City Manager, the City Attorney, the City Secretary, the Municipal Court Presiding Judge and the Municipal Court Associate Judge.
- c. Section 551.072 Deliberation Regarding Real Property.
 - c.1. Discuss the purchase, exchange lease or value of real property described as Block 2, Lot 1, Commercial Bank Addition, Midland, Midland County, Texas.
- d. Section 551.071 Consultation with the City Attorney
 - d.1. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.
 - d.2. Discuss Texas Attorney General Opinion by former Texas Attorney General Dan Morales, No. DM-232.

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