

**MIDLAND CITY COUNCIL
MINUTES
April 14, 2015**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on April 14, 2015.

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

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Deputy City Manager Tommy Hudson, Assistant City Manager Robert Patrick, Assistant City Manager Frank Salvato, City Secretary Amy Turner, Police Chief Price Robinson, Fire Chief Robert Isbell, Utilities Director Laura Wilson, Administrative Services Director Catherine Clifton, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Director Jose Ortiz, Interim Director of Airports Justine Ruff, Planning Division Manager Bob Baronti, Building Official Steve Thorpe, Public Information Officer Sara Bustilloz, and Community Development Manager Sylvester Cantu.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at ____ a.m.

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at ____ a.m., April 14, 2015.

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

Staff members present at the annex table: City Manager Courtney Sharp, City Attorney John Ohnemiller, Deputy City Manager Tommy Hudson, Assistant City Manager Robert Patrick, and Assistant City Manager Frank Salvato.

The Agenda Items were heard in the following order:

OPENING ITEMS

10:02

1. Invocation - Pastor Tim Walker, First United Methodist Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation for "Fair Housing Month".
 - b. Presentation of a Proclamation for "Public Safety Telecommunicators Week".
 - c. Presentation of a Proclamation for "Sexual Assault Awareness Month".
 - d. Presentation of a Proclamation for "Judge Robin Smith Day".

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 three minutes or less.)

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 5 - 15 excluding 8, 10, 13; seconded by Council Member Dufford.

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

5. Approved a motion approving the following minutes:
 - a. Regular Meeting of March 24, 2015.
 - b. Special Meeting of March 25, 2015.
6. Approved a resolution awarding a contract for the Market Street Utility Improvements project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2015 - 099

RESOLUTION AWARDING A CONTRACT FOR THE MARKET STREET UTILITY IMPROVEMENTS PROJECT TO ENTRENCH, INC. OF HOBBS, NEW MEXICO, AT A TOTAL COST OF \$147,161.25; AND AUTHORIZING PAYMENT THEREFOR

7. Approved a resolution rejecting the sole bid received for the Pavement Restoration

Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2015 - 100

RESOLUTION REJECTING THE SINGLE BID RECEIVED FOR THE 2015 RESIDENTIAL STREET PAVEMENT RESTORATION PROJECT

9. Approved a resolution awarding a contract to the sole bidder, Willis Electric Co., LP, for the Traffic Signal Upgrade and Reconstruction Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2015 - 102

RESOLUTION AWARDING A CONTRACT FOR THE TRAFFIC SIGNAL UPGRADE AND RECONSTRUCTION PROJECT TO THE SOLE BIDDER, WILLIS ELECTRIC CO., LP OF ABILENE, TEXAS, AT A COST NOT TO EXCEED \$250,000.00; ALLOCATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

11. Approved a resolution approving the specifications and authorizing advertisement for bids for the project described as Space Port Business Park Demolition Project. (AIRPORTS)

RESOLUTION NO. 2015 - 104

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE SPACE PORT BUSINESS PARK DEMOLITION PROJECT AT MIDLAND INTERNATIONAL AIR AND SPACE PORT

12. Approved a resolution to approve an ESRI License Agreement for GIS software. (CISD)

RESOLUTION NO. 2015 - 105

RESOLUTION AUTHORIZING THE EXECUTION OF A THREE (3) YEAR CONTRACT FOR THE USE OF GEOGRAPHIC INFORMATION SYSTEM (GIS) SOFTWARE WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INCORPORATED (ESRI); SAID CONTRACT WILL CONSOLIDATE THE USE AND EXPENSE OF THE CURRENT ESRI SOFTWARE LICENSE PACKAGE; THE COST OF THE CONTRACT IS \$75,000.00 PER YEAR FOR A TOTAL OF \$225,000.00

14. Approved a resolution authorizing an Operating Certificate for Metro Transportation Shuttle Service to operate a limousine business. (POLICE)

RESOLUTION NO. 2015 - 106

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR METRO TRANSPORTATION SHUTTLE SERVICE TO OPERATE A LIMOUSINE BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

15. Approved a resolution authorizing the execution of a professional services agreement for construction administration and resident project representative services with Parkhill Smith & Cooper, Inc., for the Elevated Tower and Tank Rehabilitation Project; providing that the fee shall not exceed \$54,500.00; and appropriating funds. (UTILITIES)

RESOLUTION NO. 2015 - 107

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION ADMINISTRATION AND RESIDENT PROJECT REPRESENTATIVE SERVICES WITH PARKHILL, SMITH & COOPER, INC., FOR THE ELEVATED TOWER AND TANK REHABILITATION PROJECT; PROVIDING THAT THE FEE SHALL NOT EXCEED \$54,500.00; AND APPROPRIATING FUNDS

8. Approved a resolution approving on call professional services for the Engineering Department. (PURCHASING)

RESOLUTION NO. 2015 - 101

RESOLUTION APPROVING THE SELECTION OF FREESE AND NICHOLS, INC., HALFF ASSOCIATES, INC., AND KIMLEY-HORN & ASSOCIATES, INC. TO PROVIDE PROFESSIONAL SERVICES ASSISTING THE ENGINEERING SERVICES DEPARTMENT ON AN AS-NEEDED BASIS WITH TASKS RELATED TO THE CITY'S ENGINEERING REVIEW AND PROJECT DEVELOPMENT PROCESS, AND DEALING WITH DEVELOPMENT, ENGINEERING, ADMINISTRATION, AND CAPITAL IMPROVEMENTS PROJECTS FOR A TERM OF THREE YEARS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF PROFESSIONAL SERVICES AGREEMENTS WITH SAID FIRMS; AND PROVIDING THAT ANY AGREEMENT EXCEEDING \$50,000 SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL

Council Member Sparks moved to adopt Resolution No. 2015 - 101; seconded by Council Member Lacy.

Lacy pulled for context 10;23. Jose did not expect downturn in economy no need to define certain funds. maintain what had in budget for last year pulled line ballpark avg per year over \$200,000 this year considerably more exceed \$350,000 anticipated last year would like to maintain next year. to get conceptual designs for next year so have plans ready to go if economy changes.

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

10. Approved a resolution approving plans and specifications and accepting the guaranteed maximum price for the construction of the new Municipal Court building from MW Builders, Inc. for \$12,738,711.00; and appropriating \$250,000.00 therefore. (PURCHASING)

RESOLUTION NO. 2015 - 103

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ACCEPTING THE GUARANTEED MAXIMUM PRICE FOR THE CONSTRUCTION OF THE NEW MUNICIPAL COURT BUILDING FROM MW BUILDERS, INCORPORATED, FOR \$12,738,711.00; AND APPROPRIATING FUNDS IN THE AMOUNT OF \$250,000.00

Council Member Lacy moved to adopt Resolution No. 2015 - 103; seconded by Council Member Robnett.

Lacy pulled for commend judge for hard work. sorry couldn't break ground before retirement but thanked for getting back \$2m for getting back in line. Judge company and staff worked hard to get it where it needed.

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

13. Approved a motion on request by Schumann Engineering Company Inc., to defer public improvements for Overstreet Addition Section 10, and to reduce the corresponding financial security guarantee by \$52,186, an amount equal to the full cost of construction. The subject property is located at 2710 Garden City Highway in the City of Midland. (ENGINEERING SERVICES)

Council Member Hotchkiss moved to adopt Resolution No. NUMBER>; seconded by Council Member Love.

lacy pulled concerned with deferrals for paving and starting to see problems now want to make sure this is okay don't want cost burden on tax payers. Jeff Cohen agree a lot of requests but this one seemed to speak that it just really did not make sense. The alley dead ends into industrial part of town and there are fences encroaching on alley which indicate nobody is using the alley. Took a look at the approach and there is no lay down curb and grass tha tis growing is not disturbed. They are currently using a septic system. There is a sewer in the vicinity and all surroundign neighbors are on septic. Love if encumbrances are in alley why has alley never been vacated? Jose one challenge when vacating alleys is corrdination of row with adjoining areas need signature. staff will bring it up. Love potential liability and if don't want to vacate then need to bring to code. Jose can be sure finalized prior to deferall.

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

SECOND READINGS

16. Consider an ordinance on second reading on a request by Pravin Patel & Mukesh Patel for a zone change from PD, Planned District for a Shopping Center to O-1, Office District, on Lot 4, Block 1, Westridge Addition, Section 2, City and County of Midland, Texas (Generally located on the west side of Beal Parkway, approximately 400-feet north of West Wall Street.) (DEVELOPMENT SERVICES) (First reading held on March 24, 2015.)

ORDINANCE NO. 9414

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 4, BLOCK 1, WESTRIDGE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF BEAL PARKWAY, APPROXIMATELY 400 FEET NORTH OF WEST WALL STREET); 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. 9414.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9414 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

17. Consider an ordinance on second reading on a request by Pravin Patel & Mukesh Patel for a Special Exception to the Zoning Code concerning the required maximum building height on Lot 4, Block 1, Westridge Addition, Section 2, City and County of Midland, Texas (Generally located on the west side of Beal Parkway, approximately 400-feet north of West Wall Street.) (DEVELOPMENT SERVICES) (First reading held on March 24, 2015.)

ORDINANCE NO. 9415

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 4, BLOCK 1, WESTRIDGE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF BEAL PARKWAY, APPROXIMATELY 400 FEET NORTH OF WEST WALL STREET), BY PERMITTING A BUILDING TO EXCEED THE MAXIMUM HEIGHT LIMIT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9415.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9415 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

18. Consider an ordinance on second reading on a request by Chris Kawaja, Pavilion Midland, LLC for a zone change from MF-1, Multiple Family Dwelling District, in part, and 1F-3, One-Family Dwelling District in part, to LR-2, Local Retail District, on a 4.86-acre tract of land; from TH, Townhouse Dwelling District, in part, and 2-F, Two-Family Dwelling District in part, to 1F-3, One-Family Dwelling District on a 58.25-acre tract of land; from TH, Townhouse Dwelling District, in part, and 1F-3, One-Family Dwelling District in part, to PD, Planned District for a Housing Development, on a 17.46-acre tract of land; from MF-1, Multiple-Family Dwelling District, in part, and 1F-3, One-Family Dwelling District in part, to LR-2, Local Retail District, on a 20.01-acre tract of land; all located in Pavilion Park Addition, Section 2, City and County of Midland, Texas (Generally located southeast of the intersection of Mockingbird Lane and Stonebridge Drive.) (DEVELOPMENT SERVICES) (First reading held on March 24, 2015.)

ORDINANCE NO. 9416

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 4.857-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED MF-1,

MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, AND 1F-3, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT; BY PERMITTING A 58.250-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED TH, TOWNHOUSE DWELLING DISTRICT, IN PART, AND 2F, TWO-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT; BY PERMITTING A 17.459-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED TH, TOWNHOUSE DWELLING DISTRICT, IN PART, AND 1F-3, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; BY PERMITTING A 20.007-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, AND 1F-3, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT; SAID TRACTS BEING OUT OF PAVILION PARK ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF MOCKINGBIRD LANE AND STONEBRIDGE 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. 9416.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9416 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

19. Consider an ordinance on second reading on a request Pavilion Midland, LLC / Chris Kawaja for a vacation of the 27.535-acre streets and alleys right-of-way located in Pavilion Park Addition, Section 2, City and County of Midland, Texas (Generally located southeast of the intersection of Mockingbird Lane and Stonebridge Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9417

AN ORDINANCE VACATING AND ABANDONING 28.725 ACRES OF RIGHT-OF-WAY WITHIN PAVILION PARK ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF MOCKINGBIRD LANE AND STONEBRIDGE DRIVE); ADOPTING THE CITY MANAGER'S DETERMINATION THAT THE FAIR MARKET VALUE OF SAID RIGHT-OF-WAY IS EXCEEDED BY THE FAIR MARKET VALUE OF 33.271 ACRES TO BE DEDICATED BY THE PROPERTY OWNER TO THE CITY FOR RIGHT-OF-WAY AND DRAINAGE PURPOSES; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9417.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9417 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

20. Consider an ordinance on second reading on a request by Henry Investment Group, LLC for a zone change from PD, Planning District for an Office Center, to an Amended Planned District on Lot 7A, Block 1, Corporate Plaza Addition, Section 17, City and County of Midland, Texas (Generally located southwest of the intersection of Edwards Street and Corporate Drive.) (DEVELOPMENT SERVICES) (First reading held on March 24, 2015.)

ORDINANCE NO. 9418

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 7A, BLOCK 1, CORPORATE PLAZA ADDITION, SECTION 17, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF EDWARDS STREET AND CORPORATE 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. 9418.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9418 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

21. Consider an ordinance on second reading on a request by Keith Josey for a zone change from LR-2, Local Retail District to O-2, Office District, on Lot 3, Block 2, Wallco Addition, Section 3, City and County of Midland, Texas (Generally located on the south side of Veterans Airpark Lane, approximately 700-feet west of North Big Spring Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9419

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 3, BLOCK 2, WALLCO ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF VETERANS AIRPARK LANE, APPROXIMATELY 700 FEET WEST OF NORTH BIG SPRING STREET); 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. 9419.

Council Member Love moved to approve the second and final reading of Ordinance No. 9419 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

22. Consider an ordinance on second reading on a request by Midland Commons, LLC for a zone change from PD, Planned District for a Shopping Center to LR-2, Local Retail District, on Lots 22, 23 & 24, Block 5, North Park Addition, Section 17, City and County of Midland, Texas (Generally located on the north side of West Loop 250 North, approximately 260-feet west of Whitman Drive.) (DEVELOPMENT SERVICES) (First reading held on March 24, 2015.)

ORDINANCE NO. 9420

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 22, 23, AND 24, BLOCK 5, NORTH PARK ADDITION, SECTION 17, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 260 FEET WEST OF 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. 9420.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9420 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

23. Consider an ordinance on second reading on a request by Salvation Army for a vacation of the 0.138-acres of alley right-of-way located on Block 72, Original Town Addition, City and County of Midland, Texas (Generally located approximately 150-feet east of South Terrell Street, between East Wall Street and East Missouri Avenue.) (DEVELOPMENT SERVICES) (First reading held on March 24, 2015.)

ORDINANCE NO. 9421

AN ORDINANCE VACATING AND ABANDONING 0.138 ACRES OF ALLEY RIGHT-OF-WAY LOCATED ON BLOCK 72, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 150 FEET EAST OF SOUTH TERRELL STREET, BETWEEN EAST WALL STREET AND EAST MISSOURI AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$2,404.51; WAIVING THE FEE FOR THE COST OF THE RIGHT-OF-WAY; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9421.

Council Member Love moved to approve the second and final reading of Ordinance No. 9421 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

24. Consider an ordinance on second reading amending ordinance number 8990 which established fees and charges for Hogan Park Golf Course. (COMMUNITY SERVICES) (First reading held on March 24, 2015.)

ORDINANCE NO. 9422

AN ORDINANCE AMENDING FEES AND CHARGES FOR HOGAN PARK GOLF COURSE; AND REPEALING PRIOR ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH SUCH FEES AND CHARGES ESTABLISHED HEREIN

Council Member Love moved to approve the second and final reading of Ordinance No. 9422 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

PUBLIC HEARINGS

25. At approximately 10:30 A.M. hold a public hearing and consider an ordinance on a request by Rankin Longview Development Partners, LLC for an approval of a Site Plan on Lot 6A, Block 2, Amaron Addition, Section 6, City and County of Midland, Texas. (Generally located on the west side of Rankin Highway, approximately 250-feet north of Crump Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9423

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 6A, BLOCK 2, AMARON ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF RANKIN HIGHWAY, APPROXIMATELY 250 FEET NORTH OF CRUMP STREET); SUBJECT TO CERTAIN 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9423.

Development Services Director Chuck Harrington gave a brief overview of the item noting request for site plan review as part of planned dev dis for sc with und zoning Ir2. coming through proposed site plan of which 7500 sf is storage and 4607 sf of retail dev. the storage is not normally allowed in district but is for tractor uspply corp. from city standpoint helps with ongoing problem of outdoor storage. staff is rec approval of request.

Mayor Morales opened the public hearing at 10:39 a.m. There being no one present

wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9423 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Love visited with apps arch and really glad to see what doing. tractor supply has a lot of stuff and they have sidewalk where stuff is sitting. they were granted ability to do it but now overwhelming. this is attempt by them to clean up frontage of storage and aesthetically pleasing. building it right next to tractor supply so be able to enter from store into that area.

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

26. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Real Property Resources, Inc. for a zone change from PD, Planned District for a Housing Development to an Amended Planned District, on a 302.19-acre tract of land; and a revised Site Plan on a 15.60-acre tract of land; all out of Section 12, Block 39, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the east side of North State Highway 349, approximately 840-feet north of Arapahoe Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9424

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 302.19-ACRE TRACT OF LAND OUT OF SECTION 12, 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 HOUSING DEVELOPMENT TO BE USED AS AN AMENDED PLANNED DISTRICT; APPROVING A REVISED SITE PLAN FOR THE ABOVE-DESCRIBED TRACT AND A 15.60-ACRE TRACT OF LAND OUT OF SECTION 12, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED O-1; SAID TRACTS BEING GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 349, APPROXIMATELY 840 FEET NORTH OF ARAPAHOE ROAD; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9424.

Development Services Director Chuck Harrington gave a brief overview of the item noting City requested additional row. some pipelines incorrectly labeled. They made adjustments and brought in. Medians on buffalo gap are going to have to be adjusted. Issues about density and none have changed on this just clean up. Mayor what kind of pipeline. chuck main lines that run through here. Love how do you mislabel or misread huge pipeline going through property. chuck surveyor made errors.

Mayor Morales opened the public hearing at 10:44 a.m.

___ Murray with Bettenbough Homes. lines mislocated on original surveys. made

adjustments. even surveying errors occur in field. trying to keep spirit of subdivision with lot size and densities. just correction hope can get it made. Mayor how many homes? Murray in whole area over 900 lots.

There being no one else wishing to speak, the public hearing was closed at 10:46 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9424 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

27. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by John Dunn for a zone change from PD, Planned District for a Housing Development to an Amended Planned District, on Lot 2A, Block 84, East Midland Addition, Section 19, City and County of Midland, Texas. (Generally located on the west side of North Fairgrounds Road, approximately 1,000-feet south of East Golf Course Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9425

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2A, BLOCK 84, EAST MIDLAND ADDITION, SECTION 19, 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 WEST SIDE OF NORTH FAIRGROUNDS ROAD, APPROXIMATELY 1,000 FEET SOUTH OF EAST GOLF COURSE ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9425.

Development Services Director Chuck Harrington gave a brief overview of the item noting been through site plan approval. started construction of carports. stopped work and brought for council approval. carports have been reviewed by staff and rec approval of request.

nice addition just want on plan.

Mayor Morales opened the public hearing at 10:48 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9425 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Love again publically state when came on council against project because did not think dev was going to come through. never been more wrong. came through on second

phase very nice development. so glad wrong.

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9426.

Development Services Director Chuck Harrington gave a brief overview of the item noting related to next two public hearing items on agenda. applicant has properties proposing to change from fd to ag es to build tract of residential homes. next 3 are all parcels that have not been put together but hta tis hi intent.

28. At approximately 10:39 A.M. hold a public hearing and consider an ordinance on a request by Kenneth V. Huseman for a zone change from FD, Future Development District to AE, Agriculture-Estate District, on a 1.90-acre tract of land out of Section 12, Block 40, T-2-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located approximately 1,300-feet south of West I-20, 0.75-miles west of Antelope Trail.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9426

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.90-ACRE TRACT OF LAND OUT OF SECTION 12, BLOCK 40, T-2-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 AE, AGRICULTURE ESTATE DISTRICT (GENERALLY LOCATED APPROXIMATELY 1,300 FEET SOUTH OF WEST INTERSTATE HIGHWAY 20, AND 0.75 MILES WEST OF ANTELOPE TRAIL); 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

Mayor Morales opened the public hearing at 10:50 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9426 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Love wish applicant had been here want to ask if next two pieces of property as close proximity to I-20 seems higher use for land besides residential. not trying to tell how to do business. curious as to why residential. Lacy it is part of master plan of development out there. Mayor is this issue with TxDOT. courtney looking to get additional two for ext of loop working out.

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

29. At approximately 10:42 A.M. hold a public hearing and consider an ordinance on a request by Kenneth V. Huseman #2 for a zone change from 1F-3, One-Family Dwelling District to AE, Agriculture-Estate District, on a 40.60-acre tract of land out of Section 12,

Block 40, T-2-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located approximately 1,300-feet south of West I-20, 0.5-miles west of Antelope Trail.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9427

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 40.60-ACRE TRACT OF LAND OUT OF SECTION 12, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-3, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS AN AE, AGRICULTURE ESTATE DISTRICT (GENERALLY LOCATED APPROXIMATELY 1,300 FEET SOUTH OF WEST INTERSTATE HIGHWAY 20, AND 0.5 MILES WEST OF ANTELOPE TRAIL); 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. 9427.

Development Services Director Chuck Harrington gave a brief overview of the item noting else to add.

Mayor Morales opened the public hearing at 10:53 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9427 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

30. At approximately 10:45 A.M. hold a public hearing and consider an ordinance on a request by Kenneth V. Huseman #3 for a zone change from FD, Future Development District to AE, Agriculture-Estate District, on a 33.30-acre tract of land out of Section 11, Block 40, T-2-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located approximately 1,100-feet south of West I-20, 0.8-miles west of Antelope Trail.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9428

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 33.30-ACRE TRACT OF LAND OUT OF SECTION 11, BLOCK 40, T-2-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 AE, AGRICULTURE ESTATE DISTRICT (GENERALLY LOCATED APPROXIMATELY 1,100 FEET SOUTH OF WEST INTERSTATE HIGHWAY 20, AND 0.8 MILES WEST OF ANTELOPE TRAIL); 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. 9428.

Development Services Director Chuck Harrington gave a brief overview of the item noting nothing new to add.

Mayor Morales opened the public hearing at 10:54 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9428 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

31. At approximately 10:48 A.M. hold a public hearing and consider an ordinance on a request by Lisa Puente for a zone change from LI, Light Industrial District to MH, Mobile Home Dwelling District, on Lots 1 through 6, Block 120, Southern Addition, City and County of Midland, Texas. (Generally located southwest of the intersection of East Washington Avenue and South Dallas Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9429

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1 THROUGH 6, BLOCK 120, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED LI, LIGHT INDUSTRY DISTRICT, TO BE USED AS AN MH, MOBILE HOME DWELLING DISTRICT (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF EAST WASHINGTON AVENUE AND SOUTH DALLAS STREET); 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. 9429.

Development Services Director Chuck Harrington gave a brief overview of the item noting applicant wishes to rezone from LI to mobile home so can live on her lot?? 2 structures on lot notice area immediately to south is mobile home so area needs to be rezoned from LI to residential. this case do have question if one of other two structures can be removed. Two letters of objections. Love MH district extend up and touch c3 and to right will have LI is that not a concern. chuck yes the whole area needs to be looked at to see if other changes need to be made. Love what saw downstairs that is one of the planning areas. Chuck caught between rock and hard place wait for document or look at zoning. Sparks if seeing correctly it is adjacent to MH district and then its not too far from MH on east side also. chuck correct.

Mayor Morales opened the public hearing at 10:58 a.m.

Sandra Medrano 506 S. Dallas it is mom's home. she would like to buy 10 feet next to

her lot. Love what is plan. Sandra already has home want to extend property. Hotchkiss will have to replat. chuck if enough lot width and goes through platting the opportunity exists. Morales two structures on there MF homes. Just want to ensure she can buy and won't have any problems.

David Diaz all brick with attached garages 11:01 current zonign to allow change to mh use. it is not industrial. if new codes and regs will be in place to make sure built to new standards. if go up and down some of main thoroughfares mh mobed in that are not appropriate for area. yes we know mh is zoned along lamesa and other areas and neighbors that live there have been sev cases meeting of neighbors who are opposed to remove mh zoning from those area. to encourage more mh right now doesn't make sense when trying to improve area. Development going on 500 block and private dollars have paved those streets and put in curb gutters and sidewalks. sparks when say 300 block is that where is 300 block on map. straight north. if understood what heard mh already there. chuck one is mh and other stick built. she has mobile home there there is a mobile home already on the lot. love what is history of mh district to south. ws that zoned mh or expanded to take into consideration of non conforming uses? chuck if understanding is correct put in place and expanded for non conforming. and in actuality this property is non-conforming. There was a lot in that area when annexed. New letter of objection. Hotchkiss want to go bavck to plans for future and how this would impact future plans. Chuck without getting specific about this area they talked about UR there was mix of uses that gives council flexibility so can have flex or single family or mh.

Lisa Puente, 702 N Lincoln, this is her lot owned for 3 years tried to sell it various times everybody wants something they can put something on or build. Tried to go through Titan and they messed everything up. Did buy a mobile home seperately. Husband is fixing up. Will be up to code. If get approved there is MH to left neighbor and two houses on other side. Their lot sits in middle. The 10 feet other is talking about is alleyway she wants to split alley with her 10 and 10. Talked on 4th floor about measurements and their mobile home fits right in there. MH is sitting somewhere else but land just sitting there. Sparks from his standpoint understand from Mr. Diaz understand where coming from but also know. Was not aware of zoning in advance. Has city been approached for vacation of row. courtney no would have to take a hard look at it because would cause dead end. Lisa alley is closed over nobody has gone through it. Love in that neighborhood dumpsters sit on . Lacy need to defer until can get more info.

There being no one else wishing to speak, the public hearing was closed at 11:13 a.m.

Love his district all mh district zoning are in his district. think mhy should be only in those districts. really disconcerting to drive and see house, mh, mh , house. while sympathetic to applicant and what trying to do tend to agree with Mr. Diaz that don't want to encourage or make situation aesthetically worse. not withstanding applicant sure prop would be great. a lto historical it was haphazardly done nad neve rupdated or changed due to lack of growth.

sparks need to take a hard look at and would like to know more. Lacy probaly good plan about deferring and getting more info. already have nonconforming uses don't see as being a detriment. See a young fmaily who wants a palce to live and they already hav eproperty to make it work. want more info on whose on other side of alley. Morales

understand where love coming from have to plan as purchase properties because sporadic and has to be thought into home. private dev coming in and spending a lot of money to upgrade area. Wants to defer to love's what at end of day since he does not understand area better than then rest why not defer to his objection. Love will support lacy's right and opportunity to get more info. Lacy want to do to not create financial hardship for young family.

Council Member Lacy moved to defer; seconded by Council Member Robnett.

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

Lacy will get with staff and get more familiar with this item. If staff sells will not sell alley.

32. At approximately 10:51 A.M. hold a public hearing and consider an ordinance on a request by J. Michael Lynch / Fast Freddy's for Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in an indoor commercial amusement facility, on an 8,202-square foot portion of Lot 2, Block 15A, Oxford Heights Addition, Section 7, City and County of Midland, Texas. (Generally located on the north side of West Illinois Avenue, approximately 300-feet east of North Midland Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9430

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS AN 8,202-SQUARE FOOT PORTION OF LOT 2, BLOCK 15A, OXFORD HEIGHTS ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST ILLINOIS AVENUE, APPROXIMATELY 300 FEET EAST OF NORTH MIDLAND DRIVE), 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 AN INDOOR COMMERCIAL AMUSEMENT FACILITY 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. 9430.

Development Services Director Chuck Harrington gave a brief overview of the item noting request made by Fast Freddy's located 4310 W Illinois. app prev had sup. in 1998 was supposed to be part of rest and rest was never put in place. When went through renewal process occupancy load incorrect and discussed possibility of number of police calls for service and police chief here to discuss. Put in rec for additional police cert police officers. p7z heard request and rec move forward to Council for one year period to evaluate again with stip of 2 cert po at site between hours of 9-2. one loj. one los from shopping center.

Love looking at report received from Lacy shows number of calls over last 4 years. last year 115 calls. Looking at this majority of calls that would expect to come from a bar situation walk thru public intox. checking person in vehicle. See very little major crimes

like fighting 3 burglary 1 narcotics 1. Aren't we blowing out of prop calls this place has had. Chuck look at other bars and numbers and this was more than others. Dufford have compared to Buffalo Wild Wings. Twice as much. PJ Price Robinson, in 4 years if took out minor calls 575 at Fast Freddy's. Over 4 year period there were on assaults 21, gen dist 35 32 fight calls. 10 calls narcotic related. in comparison to others Rileys 156 total calls in 4 years. Rockin Rodeo 817 in 4 years and Torinos 81. In first quarter of 2015 Fast Freddy's has 18 calls for service as compared 10 Riley 49 Rocking Rodeo and 5 for Torinos. Morales there is possibly an issue for this particular bar. Dufford never any peace officers in there we are rec about at least is 2 enough will it diminish calls for service? Price can't hurt, officer works at rockin rodeo ariba, the bar, buffalo wild wings. Love how does staff feel about patrolling this particular institution the police don't want to go there is that correct? Price there are 115 incidents of walk thrus when an officer on his or her own without being called to make an effort to head off trouble and to be seen. in that 4 year period self initiated 115 times. Rileys in 4 years 14 times 192 at rocking rodeo. Mayor thinks its considers if you put a officer there into harassment. Love I'd not say that. Chuck during p7z hearing applicant stated had call from tabc and received call saying something wasn't right but did testify that tabc talked to him. what about rest operating under. Love on p7z at time and supposed to be a restauraunt. Lacy in good faith operated against what intended. Love state that owner of property wrote a letter in support, chuck correct. Love now I understand vested interest because paying tenant if big concern they would of made the comment. Lacy spoke to tenants in this area and afraid to speak against them because do not control clientele other establishments scared. Love do you think 2 officers or more than 2 do you think would help. Property owner lives in CA. shopping center deteriorating at fast pace. Dufford what are recommendations?

Mayor Morales opened the public hearing at 11:31 a.m.

Michael Lyunch, owner of fast Freeddys look at raw statistics appears don't care and its not true. orig opened 30 years. bought in 1996 only 2 remain orig 5. primary source of income for him and family. zoning changed to rest in 1998 full two years after he bought it he did not apply for zoning his partner could have applied with int of putting in rest don't remember and don't think was case. No idea until p7z that discussion about a rest in there. whole thing started with rezoning issue. other thing is number of calls. never seen any statistics on this prior to zoning meeting earlier this year. these statistics were alarming 344 calls in 2 year period. at p7z 2 year today expanded to 4. in and after p7z since 2 year period used foi request and pulled 2014 what calls being made who generated and any improvement. disagree with total number of calls. this started in 4th quarterly of 2013. hired security reports that report directly to owner. its been exp security report directly to him get truth. patrol inside and outside of building. incident of weapon started patting down and wandng. are bouncers or law enforcement. to him security not trained but x military. upgrade camera system with good results. owner of shopping center install 2 bright lights on back of building. loit are ato discourage. Intend to ask property owner to put lights on west end which faces empty k-mart to light up that area. Mr. courtney supports on doing. and on north side toward laundromat. other thing consyulted with other people in business and eliminated complete genre of music and implemented dress code. To address actual number of calls made chief said 115 came up 100. If you take 344 over 2 year period thats 144 improvement over what extrap gives for 2013. Want to look at 2014 in his opinion pretty good improvement. the calls initiated by his staff found 22 of total 100 that were generated by Fast Freddy's. Midland PD driving thorough parking lot total of 62 no solicited calls on this location. 10

arrests of 62 calls. of 22 calls resulted in 22 actions. If police are driving through to look for problems becomes a self eating cantalope its something midland pd feels need to do. 14 calls by person unknown. Lacy first reason stopping by is because of track record. Commend on addressing issue how many evening sit in establishment. once or twice amonth. He relies on security and mgr to control. Robnett how long current mgr been and asst for 6 mohths. b4 gone through several. economy is very very good. pool of people can select from withknowledge and exp haven't been able to find good people that will be . had a gentleman nad wife running place got call from tabc drove out next day and fired everybody there. it is not his wish or anybodys to be a bad citizen dont want calls. robnet put council in tough decision and to be business friendly have serious concerns from city staff and chief of police. lighting and personnel are there any other concessions to fix. Mike question last month stabbing at rileys. robnett anythign willing to do on own. mike done alot to do that helps willing to do is change to 21 over and nominors in there at all. Minors in there are headache. staff would not deal with it but next generation of customers and limited to 21 and ofver. don't have any problem with 2 peace officers other than puts two people out of work. improvement sin area a lot more kids and traffic in area with doug russel pool. think city is proposing is ideal to get through probationary period have got to bring back a postiive image to his area and business. Spencer term 2 year fro SUP john 1 year review period. Robnett would like to see 6 months. are officers uniformed.

There being no one else wishing to speak, the public hearing was closed at 11:45 a.m.

Dufford wiling to give benefit of doubt with two peace officers to see. Mr. Lunch would uspport 6 months. Hotchkiss as former owner of restaraunt to sell alcohol makes an enormous difference when on site. you weren't paying attnetion had to have a call from tabc. comments made this happens. never had police call trained employees had manager that when through tabc process if someone was drinking greased them up. what see is absentee owner who got caught and wan't doing his job and got caught community shouldn't have to put up with that. Love unfair if fast freddy's owned by corp would expect stockholders to sit there business has right to hire who want to run business. Sharla he has not created a better Midland or safer Midland. Dufford willing to give him the benefit of doubt whether 6 months or year. had issues with other bars over the years think p7z got it right not going to support current motion. Lacy here's his issue becoming nuisance to surrounding businesses and homeowners. have been elected to revitalize this area as much as possible. Can understand Dufford benefit of doubt. If we start placing our businesses on notice no longer tolerate. Dufford have did same thing with Buffalo Wild Wings. If not cleaned up to satisfaction . lacy if not dramatic improvement will not renew SUP. Sparks asked Chief Robinson in experience if had peace officers on premisis as security they would be in uniform? Price yes, Sparks does that generally help situation. yes. do you expect to help. price yes. in first quarter 2015 18 calls there in 3 months. Dufford it seems improvements are being made.

Lacy asked Lyunch increased survellance into estab how often survey. Lyunch pull pieces of tape. midland pd executed warrant arrest one warrant arrest made last year one employees recognized something who jumped bail. One last comment. all concern about crime he is too understand about absentee owners he is slowing down did have health problems can't be out here daily. not a crime. none statistics show how mahy times employees acted responsibly took keys from customers or hshow how policy if designated you get soft drinks for free. don't show how mahy time security staff stepped

in and dealt with situation. didn't want anybody to be left with impression that he doesn't take it seriously just hopes some of competitors getting same treatment. Sparks you started have 3 security members 4th quarter 2013. So they were all of 2014 had 3 security personnel. didn't start wandering or patting down until april 2014. If known sooner that things going on would have responded sooner. at other location in ft. worth open communication between he and police. sparks do you believe can help situation. lynch yes. love sounds like council might be willing to pass this with stipulation of coming back in 6 month understanding do everything in power. Lacy want to ask chief decision then decision. are non certified allowed to carrying firearms in establishment. can hve concealed carry Lunch TABC says owner can carry and designate to someone else if not there. lacy rescind.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9430 in accordance with the Charter of the City of Midland with amendments two peace officers, 21 and up, limit to 6 months; seconded by Council Member Love.

Dufford being a good neighbor, liter situation. Lynch got notice from City took action not 100% (review in 6 months) Love encourage to reach out to some other tenants to establish communications with them. two certified peace officers.

Love take a look at establishment at Rockin Rodeo as well.

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

33. At approximately 10:54 A.M. hold a public hearing and consider an ordinance on a request by Pilot Addition #2 for the annexation of a 9.15-acre tract of land out of Section 7, Block 38, T-2-S, T&P RR Company Survey, Midland County, Texas. (Generally located on the south side of East State Highway 158, approximately 2,200-feet east of South Fairgrounds Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9431

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 9.15-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF EAST STATE HIGHWAY 158, APPROXIMATELY 2,200 FEET EAST OF SOUTH FAIRGROUNDS ROAD); AND APPROVING A PUBLIC SERVICE PLAN

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9431.

Development Services Director Chuck Harrington gave a brief overview of the item noting pilot forward for final hearing and actual ord to annex property. next 3 all related to actual zoning and parcel fo 1.53 acre tract requesting annex and zoning. Had to do in this order to ensure contiguous.

Mayor Morales opened the public hearing at 12:05 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

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

9431 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

34. At approximately 10:57 A.M. hold a public hearing and consider an ordinance on the initial zoning of annexed land to LR-2, Local Retail District on a request by Pilot Flying J, LLC #2, on a 9.15-acre tract of land out of Section 7, Block 38, T-2-S, T&P RR Company Survey, Midland County, Texas. (Generally located on the south side of East State Highway 158, approximately 2,200-feet east of South Fairgrounds Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9432

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 9.15-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN LR-2, LOCAL RETAIL DISTRICT; SAID TRACT IS GENERALLY LOCATED ON THE SOUTH SIDE OF EAST STATE HIGHWAY 158, APPROXIMATELY 2,200 FEET EAST OF SOUTH FAIRGROUNDS ROAD; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9432.

Development Services Director Chuck Harrington gave a brief overview of the item noting as stated before zoning for previous area lr2 zoning.

Mayor Morales opened the public hearing at 12:06 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9432 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

35. At approximately 11:00 A.M. hold a public hearing and consider an ordinance on a request by Pilot Addition for the annexation of a 1.53-acre tract of land out of Section 6, Block 38, T-2-S, T&P RR Company Survey, Midland County, Texas. (Generally located on the south side of East State Highway 158, approximately 2,200-feet east of South Fairgrounds Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9433

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 1.53-ACRE TRACT OF LAND OUT OF SECTION 6, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF EAST STATE HIGHWAY 158, APPROXIMATELY 2,200 FEET

EAST OF SOUTH FAIRGROUNDS ROAD); AND APPROVING A PUBLIC SERVICE PLAN

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9433.

Development Services Director Chuck Harrington gave a brief overview of the item noting final tract for annexation.

Mayor Morales opened the public hearing at 12:07 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9433 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

36. At approximately 11:03 A.M. hold a public hearing and consider an ordinance on the initial zoning of annexed land to LR-2, Local Retail District on a request by a request by Pilot Flying J, LLC, on a 1.53-acre tract of land out of Section 6, Block 38, T-2-S, T&P RR Company Survey, Midland County, Texas. (Generally located on the south side of East State Highway 158, approximately 2,200-feet east of South Fairgrounds Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9434

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 1.53-ACRE TRACT OF LAND OUT OF SECTION 6, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN LR-2, LOCAL RETAIL DISTRICT; SAID TRACT IS GENERALLY LOCATED ON THE SOUTH SIDE OF EAST STATE HIGHWAY 158, APPROXIMATELY 2,200 FEET EAST OF SOUTH FAIRGROUNDS ROAD; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9434.

Development Services Director Chuck Harrington gave a brief overview of the item noting avail to answer questions.

Mayor Morales opened the public hearing at 12:09 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9434 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

37. At approximately 11:06 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, between North Main Street and North Baird Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 108

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN OUTDOOR AMUSEMENT FUNCTION ON THE 100 BLOCK OF EAST TEXAS AVENUE, ORIGINAL TOWN ADDITION, 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

Development Services Director Chuck Harrington gave a brief overview of the item noting held first event this second annual block party. wishing to have will require portion of road closed also bev sold two peace officer and portable restrooms. using same site plan as last year. How iwill people get inside parking garage. Hilda Armendarez has copy of revised map to allow access into parking garage. only take half of street and farthest lane will be open.

Mayor Morales opened the public hearing at 12:11 p.m. Dufford any complaints las tyear, chuck non.

Hilda Armendarez 3216 W Midland Place, felt liek applicant starting event on May 2 and a lot of events going on hoping to change to next weekend May 9. staff has no issues. other parking question will open one lane.

chuck if delay decision to next Council meeting to review everything. defer to end of meeting. Mayor let staff review traffic and parking for new day.

Courtney staff good with 37

Council Member Lacy moved to adopt Resolution No. 2015 - 108 with amendment to May 9; seconded by Council Member Love.

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

38. At approximately 11:12 A.M. hold a public hearing and consider a resolution on a request by Butch Cory Temporary Land Use Permit for a Carnival on Lot 1R, Block 17, Skyline Terrace, Unit 2, City and County of Midland, Texas. (Generally located southwest of the intersection of West Loop 250 North and North Midkiff Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 109

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CARNIVAL ON LOT 1R, BLOCK 17, SKYLINE TERRACE, UNIT 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST LOOP 250 NORTH AND NORTH MIDKIFF ROAD); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND

RESTRICTIONS CONTAINED HEREIN; AND PROVIDING THAT THE CHIEF OF POLICE SHALL ENSURE THAT ALL PARTICIPANTS ARE LICENSED PURSUANT TO TITLE V, CHAPTER 9 OF THE MIDLAND CITY CODE RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CARNIVAL ON LOT 1R, BLOCK 17, SKYLINE TERRACE, UNIT 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST LOOP 250 NORTH AND NORTH MIDKIFF ROAD); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; AND PROVIDING THAT THE CHIEF OF POLICE SHALL ENSURE THAT ALL PARTICIPANTS ARE LICENSED PURSUANT TO TITLE V, CHAPTER 9 OF THE MIDLAND CITY CODE

Development Services Director Chuck Harrington gave a brief overview of the item noting request similar to one last year for carnival on mall parking lot hours of op mf 8-11 s s 2-12 music during operating hours. require to reduce sound at 10. no alcoholic. prot rest two cert officer 2-6 all days and 4 6 and closing. lacy why don't refer ot sports complex.

mall miss money

Mayor Morales opened the public hearing at 12:16 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Sparks moved to adopt Resolution No. 2015 - 109; seconded by Council Member Dufford.

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

39. At approximately 11:15 A.M. hold a public hearing and consider a resolution on a request by Glenda Willis for a Special Temporary Mobile Home Dwelling based on a medical hardship condition, on Lot 14, Block 3, Crestlawn Addition, City and County of Midland, Texas. (Generally located southwest of the intersection of North Pecos Street and West Cowden Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 2015-110

RESOLUTION AUTHORIZING A TEMPORARY SPECIAL PERMIT FOR A MANUFACTURED HOME ON LOT 14, BLOCK 3, CRESTLAWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH PECOS STREET AND WEST COWDEN AVENUE)

Development Services Director Chuck Harrington gave a brief overview of the item noting reviewed and made mistake. looked at property and had concerns and already secondary residential structure on lot with an address and only one name. Very little room to put this size facility in. Don't see should be putting 3 residential properties on one lot. staff feel executive use of property and rec denial. Love gie mroe detail about secondary structure. chuck front door small structure had not had access and it has house number but nothing in our records. No driveway. Access to secondary structure from sidewalk.

Mayor Morales opened the public hearing at 12:19 p.m.

Mark Woodside 2001 Holloway, this property owned by his wife for 15 years and don't reside. rent out to close family friend who is police man. opposed to secondary residence been there at least 15 years on a slab have photograph can look at don't want mobile home in this lady's back home. concern about utilities and how to hook up. worried if extension cord its a fire hazard. sewage is number one concern because don't need disease because not taken care of property. Parking is a serious concern. have to access through alley in back and structure is at corner of alley and Pecos already and no parking no detached parking. Property taxes how do you tax a home there without definite date. Courtney would have to meet building codes and be property connected. Shared pictures

Tony?? 602 W Estes, when saw temporary means mh. had to knock fence down to get it there and concerned about how far out in alley will it stick doesn't make sense and none in area.

There being no one else wishing to speak, the public hearing was closed at 12:25 p.m.

Council Member moved to adopt Resolution No. 2015-110; seconded by Council Member .

MISCELLANEOUS

40. Approved a resolution approving a Master Development Agreement Between Hotel Santa Rita No. 1, Midland Development Corporation, and the City of Midland. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2015 - 111

RESOLUTION APPROVING A MASTER DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIDLAND, THE MIDLAND DEVELOPMENT CORPORATION, AND HOTEL SANTA RITA NO. 1 MIDLAND PARTNERS, LLC FOR THE DEVELOPMENT OF BLOCK 55, ORIGINAL TOWN , CITY AND COUNTY OF MIDLAND, TEXAS (THE SITE OF THE FORMER MIDLAND COUNTY COURTHOUSE), AND FOR IMPROVEMENTS TO THE ADJOINING CENTENNIAL PLAZA PROPERTY; AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF ALL RELATED AGREEMENTS

Council Member Dufford moved to adopt Resolution No. 2015 - 111; seconded by Council Member Love.

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

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

ORDINANCE NO. 9435

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS WEST TEXAS CITIES STEERING COMMITTEE ("WTX CITIES") AND ATMOS ENERGY CORP.,

WEST TEXAS DIVISION REGARDING THE COMPANY'S 2014 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; 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 WTX CITIES' LEGAL COUNSEL

Mayor Morales read the caption of Ordinance No. 9435.

Lacy why doing? Courtney if hand't gotten refunded back 12:30 p.m. part of puc regulations. staf rec approval.

Council Member Love moved approval of the first of two readings of Ordinance No. 9435 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, Robnett. NAY: Lacy. ABSTAIN: None. ABSENT: None.

42. Approved a motion to approve a proposed preliminary plat on a request by Real Property Resources, Inc., being a 317.79-acre tract of land out of Section 12, Block 39, T-1-S, T&P RR Company Survey, City and County of Midland, Texas (Generally located on the east side of State Highway 349, approximately 840-feet north of Arapahoe Road.) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting related to previous zoning for Lone Star trails this is actual plat that puts in motion previous item.

Council Member Sparks moved to approve a motion to approve a proposed preliminary plat on a request by Real Property Resources, Inc., being a 317.79-acre tract of land out of Section 12, Block 39, T-1-S, T&P RR Company Survey, City and County of Midland, Texas (Generally located on the east side of State Highway 349, approximately 840-feet north of Arapahoe Road.); seconded by Council Member Lacy.

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

43. Approved a motion to approve a proposed preliminary plat on a request by Chris Kawaja, being a replat of the previously vacated Blocks 3 through 16; Lots 1 through 9, Block 17; and Lots 1 through 5 and Tract 17A, Block 19; Pavilion Park Addition, Section 2, City and County of Midland, Texas. (Generally located southeast of the intersection of Mockingbird Lane and Stonebridge Drive.) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item

noting request to replat property. Last meeting there was a vacation of similar plat to accommodate revised plan and this is the revised plan.

Council Member Love moved to approve a motion to approve a proposed preliminary plat on a request by Chris Kawaja, being a replat of the previously vacated Blocks 3 through 16; Lots 1 through 9, Block 17; and Lots 1 through 5 and Tract 17A, Block 19; Pavilion Park Addition, Section 2, City and County of Midland, Texas. (Generally located southeast of the intersection of Mockingbird Lane and Stonebridge Drive.); seconded by Council Member Lacy.

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

44. Approved a motion on a request by Comet Sign appealing the Building Official's denial concerning the allowed maximum signage on Lot 3, Block 2, Westridge Park Addition, Section 4, City and County of Midland, Texas. (Generally located southwest of the intersection of North Loop 250 West and Andrews Highway.) (DEVELOPMENT SERVICES)

ORDINANCE NO. NUMBER>

Development Services Director Chuck Harrington gave a brief overview of the item noting denial of original sign plan presented for HEB. requested 2 two pole signs number of building signs that exceeded 2000 sf. Did work with them applicant is now existing 1348.12 sf of little over 1000 is building signs. req one free standing pole signs. they've worked real hard to come into compliance. This is in size comparison has 1320 sf total. bo has no choice but to deny request but think Council should consider request. sign ord doesn't account for large tracts of land. thinks it merits council consideration.

Council Member Love moved to approve a motion on a request by Comet Sign appealing the Building Official's denial concerning the allowed maximum signage on Lot 3, Block 2, Westridge Park Addition, Section 4, City and County of Midland, Texas. (Generally located southwest of the intersection of North Loop 250 West and Andrews Highway.); seconded by Council Member Robnett.

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

45. Consider an ordinance establishing intersection stops at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; 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. (ENGINEERING SERVICES)

ORDINANCE NO. 9436

AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE DESIGNATED LOCATIONS; 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. 9436.

Traffic Eng Mike Pacelli gave a brief overview of the item noting first of two traffic. this is a stop sign ord that adds new signs f. second is for yeild signs.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9436 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

46. Consider an ordinance establishing yield right-of-way signs at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; 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. (ENGINEERING SERVICES)

ORDINANCE NO. 9437

AN ORDINANCE ESTABLISHING YIELD RIGHT OF WAY SIGNS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; REQUIRING AND AUTHORIZING THE POSTING OF APPROPRIATE SIGNS AT SAID INTERSECTIONS; 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

SueAnn read

mike removed old

Council Member Love moved approval of the first of two readings of Ordinance No. 9437 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

47. Approved a motion on request by Parkhill, Smith & Cooper, Inc. to defer public improvements for Lot 4, Spanish Trails Station, Section 2, City and County of Midland, Texas, and to reduce the corresponding financial security guarantee by \$148,600, an amount equal to the full cost of construction. The Council may (1) defer the public improvements in whole or in part; (2) require the appropriate party to post an approved financial security guarantee covering the public improvements in whole or in part; or, (3) authorize the City Manager to negotiate and execute an agreement with the appropriate party to guarantee construction of the public improvements. The Council may also discuss and consider Lots 2 or 3, or other lots within said addition. The subject property is located at the northwest corner of the intersection at South County Road 1250 and West Interstate Highway 20 in the City of Midland. (ENGINEERING SERVICES)

Jeff Cohen gave a brief overview of the item noting brought item to agenda at request psc land owner had negotiated a deal with developer on Lot 4. they are no renegotiating deal aksing to def until future agenda.

Council Member Sparksdefer; seconded by Council Member Lacy.

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

48. Approved a resolution naming and appointing a new Associate Judge, effective _____; the appointment will not be effective until an Employment Contract is approved by a resolution of the Midland City Council; the resolution approving the Employment Contract will be considered by the Midland City Council at a regular City Council meeting. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2015 - 112

RESOLUTION APPOINTING A NEW CITY OF MIDLAND MUNICIPAL COURT ASSOCIATE JUDGE; AND PROVIDING THAT SAID APPOINTMENT SHALL NOT BECOME EFFECTIVE UNTIL AN EMPLOYMENT AGREEMENT WITH SAID ASSOCIATE JUDGE IS APPROVED BY THE MIDLAND CITY COUNCIL

Council Member Lacy moved to adopt Resolution No. 2015 - 112 appoint Timothy Meek; seconded by Council Member Love.

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

49. Approved a motion making appointments to various Boards and Commissions.

Council Member Lacy moved to appoint Keith Valentine to Airport Board; seconded by Council Member Dufford.

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

Meeting adjourned 2:01 p.m.

EXECUTIVE SESSION

Break for lunch reconvene no sooner than 1:30 p.m. recess at 12:31 p.m.

reconvene at 1:48 p.m.

50. 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. 551.074 Personnel Matters

- a.1. Deliberate the appointment, employment, duties, and compensation of the new Associate Judge. Interview candidates for the position of Associate Judge.
- b. Section 551.087 Deliberate Economic Development Negotiations
 - b.1. Discuss business prospects that the City seeks to have, locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

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

PASSED AND APPROVED the __ day of ____, 2015.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary