

**MIDLAND CITY COUNCIL
MINUTES
April 22, 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 22, 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 22, 2014.

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

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

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:00 a.m.

1. Invocation - Pastor Sheldon Riley, Christian Fellowship Church
2. Pledge of Allegiance

PRESENTATIONS

Mayor Morales presented retirement proclamation to Carlton L. Grant.

Sara and Mayor presented Midland 101 graduation certificates.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Retirement Commendation to Carlton L. Grant.
 - b. Presentation of Certificates of Completion to the 2014 Midland 101 Graduates.

PUBLIC COMMENT

none.

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.

CONSENT AGENDA

Council Member Sparks moved to approve Consent Agenda items 5 - 15 excluding ; 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.

5. Approved a motion approving the following minutes:
 - a. Regular meeting of April 8, 2014.
6. Approved a resolution authorizing staff to advertise a Request for Qualifications for an External Auditor. (FINANCE)

RESOLUTION NO. 2014 - 126

RESOLUTION APPROVING AND AUTHORIZING ADVERTISEMENT OF REQUEST FOR QUALIFICATIONS FOR AUDIT SERVICES FOR THE CITY OF MIDLAND, TEXAS

7. Approved a resolution approving the purchase of sixteen (16) Opticom Units and accessories for the Transportation Division through the Houston-Galveston Area Council (H-GAC) Contract #PE-05-13 from Consolidated Traffic Controls, Inc. for a total cost of \$99,472.00. (PURCHASING)

RESOLUTION NO. 2014 - 127

RESOLUTION APPROVING THE PURCHASE OF SIXTEEN (16) OPTICOM UNITS AND ACCESSORIES FROM CONSOLIDATED TRAFFIC CONTROLS, INCORPORATED THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$99,472.00; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS; AND ALLOCATING FUNDS; THESE OPTICOM UNITS WILL HELP RESPONDERS REACH THEIR DESTINATION QUICKLY AND SAFELY

8. Approved a resolution approving specifications and authorizing advertisement for bids for the project described as Airfield Lighting Cabling Replacement and Airfield Signage (7112) at Midland International Airport. (AIRPORTS)

RESOLUTION NO. 2014 - 128

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE AIRFIELD LIGHTING CABLING REPLACEMENT AND AIRFIELD SIGNAGE PROJECT; SAID PROJECT WILL PROVIDE FOR THE REPLACEMENT OF EXISTING RUNWAY LIGHTING CABLE AND PILOT GUIDANCE SIGNS ADJACENT TO TAXIWAYS AND RUNWAYS AT MIDLAND INTERNATIONAL AIRPORT

9. Approved a resolution authorizing the execution of a Consent to Assign Agreement assigning a Noncommercial Corporate Hangar Land Lease Agreement between Scharbauer Cattle Company, owned and operated by Clarence Scharbauer, Jr. and the City of Midland, Texas, to Clarence Scharbauer, III. (AIRPORTS)

RESOLUTION NO. 2014 - 129

RESOLUTION CONSENTING TO FIFTY FIVE, LLC'S ASSIGNMENT OF ITS NON-COMMERCIAL CORPORATE HANGAR LAND LEASE AGREEMENT TO 812KC, LLC; SAID LEASE AGREEMENT COVERS PROPERTY LOCATED IN SECTION 5, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

10. Approved a resolution appointing election officials for the election of one City Official on May 10, 2014. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 130

RESOLUTION APPOINTING ELECTION OFFICIALS FOR THE ELECTION OF ONE CITY OFFICIAL ON MAY 10, 2014

11. Approved a resolution to grant a variance to Ordinance 8769 (January 1, 2010 Oil and Gas Well Drilling Ordinance) to allow a building permit for a multi-family residential building, to be issued in the future, where the proposed building, either in whole or part is no closer than 425 feet of pending oil and gas wells. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 131

RESOLUTION GRANTING A VARIANCE FOR LOT 3, BLOCK 2, PAVILION PARK, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF PAVILION PARKWAY AND LAMESA ROAD), BY PERMITTING CONSTRUCTION OF A MULTI-FAMILY RESIDENTIAL BUILDING WHERE NO PORTION OF THE BUILDING IS CLOSER

THAN FOUR HUNDRED TWENTY-FIVE (425) FEET OF AN OIL AND GAS WELL;
AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

12. Approved a resolution authorizing City staff to accept a drainage easement from Midland Bible Church for the purpose of constructing drainage improvements to serve the Mayfield Addition. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 132

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 1.81-ACRE DRAINAGE EASEMENT LOCATED IN LOT 1, BLOCK 4, MAYFIELD PLACE ADDITION, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

13. Approved a resolution authorizing the City Manager to direct staff to obtain an appraisal and negotiate with Fasken Land and Mineral for the sale of a 5.175 acre parcel located along the east side of Holiday Hill Rd. adjacent to the Midland Draw crossing. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 133

RESOLUTION AUTHORIZING THE SALE OF A 5.157-ACRE TRACT OF LAND OUT SECTION 12, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, TO FASKEN LAND AND MINERALS, LTD.; ADOPTING THE APPRAISED FAIR MARKET VALUE OF \$4,383.45 AS DETERMINED BY THE CITY MANAGER; AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY FOR THE SALE OF SAID PROPERTY; AND ORDERING RECORDATION

14. Approved a resolution to appropriate unclaimed funds to the Police Equipment and Technology Project. (POLICE)

RESOLUTION NO. 2014 - 134

RESOLUTION APPROPRIATING UNCLAIMED OR ABANDONED FUNDS IN THE AMOUNT OF \$15,646.00 TO THE MIDLAND POLICE DEPARTMENT; THE PROCEEDS WILL BE USED TO PURCHASE EQUIPMENT AND TECHNOLOGY ESSENTIAL TO THE LAW ENFORCEMENT FUNCTION FOR THE MIDLAND POLICE DEPARTMENT

15. Approved a resolution for an amendment to the existing Professional Services Agreement with Parkhill, Smith & Cooper and appropriating funds project for landfill support services. (SOLID WASTE)

RESOLUTION NO. 2014 - 135

RESOLUTION AUTHORIZING AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INCORPORATED, SO AS TO INCLUDE PROFESSIONAL ENGINEERING AND ARCHITECTURAL SERVICES AT THE CITY OF MIDLAND LANDFILL FOR THE EVENTUAL CONSTRUCTION OF A SCALEHOUSE, SCALES, ENTRANCE ROADS, AND A MAINTENANCE BUILDING; AUTHORIZING THE APPROPRIATION OF FUNDS IN THE AMOUNT OF \$587,500.00; AND AUTHORIZING PAYMENT THEREFOR

SECOND READINGS

16. Consider an ordinance on second reading 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

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9257.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9257 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.

17. Consider an ordinance on second reading on a request by Lawrence Prucka for a Planned District Site Plan on Lot 12, Block 28, Wydeewood 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

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9258.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9258 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.

18. Consider an ordinance on second reading 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

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9259.

Council Member Love moved to approve the second and final reading of Ordinance No. 9259 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.

19. Consider an ordinance on second reading 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

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9260.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9260 in accordance with the Charter of the City of Midland; seconded by Council

Member Lacy.

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

PUBLIC HEARINGS

20. At approximately 10:30 A.M. hold a public hearing and consider an ordinance declaring certain structures as dangerous, dilapidated and public nuisances, and ordering their removal or securing. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9261

AN ORDINANCE DECLARING CERTAIN STRUCTURES LOCATED AT 500 NORTH LAMESA ROAD, 105 EAST LOUISIANA AVENUE, 608 SOUTH JACKSON STREET, 701 NORTH CALHOUN STREET, 427 WEST SPRUCE AVENUE, 506 SOUTH TYLER STREET, 708 EAST TEXAS AVENUE, 710 NORTH MAIN STREET, 901 NORTH WEATHERFORD STREET, 1408 WAYSIDE DRIVE, 1509 SOUTH DALLAS STREET, AND 303 MAPLE AVENUE TO BE DILAPIDATED, SUBSTANDARD OR UNFIT FOR HUMAN HABITATION AND A HAZARD TO THE PUBLIC HEALTH, SAFETY AND WELFARE; ORDERING THEIR DESTRUCTION OR REMOVAL; DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE; AND DIRECTING THE BUILDING OFFICIAL TO DELIVER A COPY OF THIS ORDINANCE TO AFFECTED OWNERS, LIENHOLDERS AND MORTGAGEES; SAID ORDINANCE BEING AUTHORIZED BY CHAPTER 214 OF THE TEXAS LOCAL GOVERNMENT CODE

Steve Thorpe time from ph 12 structures within city limits. one on commercial entity former storage building other 11 residential. originally have 14 and removed 2 who came in compliance. communication from 2 other property owners and other one at 1408 wayside indicated mfgd home in poor condition and will have removed as soon as can get mover. ask to still get order to . ord requires second reading. upon second reading send to property owners lienholder, newspaper and county court house. 30 day waiting period min for property owner to take approp action to file suit against city so will see again at least two more times. run title searches on property if necessary have to do asbestos assessments before can go forward. gf money and invoices sent to property owners and liens filed if not paid. Love 30 days to stop process that starts after second reading? steve after ord signed and post the property. Keith after notice in paper and notice to property owners which is after second reading.

Lacy how often? last time 2012 try to work with owners to gain compliance. Apologize did not get in your packet. if want to see any properties do have queued up. Dufford could use cdbg funds, steve other then commercial yes. is this first time used gf? steve first time in long time. maybe 2009 was some gf use. Love as part of cdbg committee rec to committe to stop using funds from dmo because much prefer use to address housing situation to get more houses.

Mayor Morales opened the public hearing at 10:50 a.m.

Jose Herrera 701 n calhoun since picture shown put new eaves, new sheeting and also roofing tile. Have picture . Ron showed new pictures as far as inside complete gutted. putting in electrical two boxes in back and one on inside. already running service to inside. Morales appreciate efforts dufford can remove? Steve can remove or keep on.

feel very comfortable his permit is renewed if leave on and set aside. Already have sewer and need to hook up tow ater.

James Mishker?? 10:54 a.m. 608 S Jackson intend to improve property for outside siding and replace roof with metal roofing. Mayor have done any improvements today? no. Mayor when will begin? Saturday. Steve as long as starts on property and continues for next 6 months. that is acceptable. At council's pleasure whether take off or keep on as incentive. Dufford like to keep incentive in place. Love are people required to have licensed contractor make repairs or can do it themselves. If own property then can function as own contractor for structural. except plumbing electrical mechanical.

lister

Martin Lopez 1508 E Cr 120, 508 Lames Rd. been trying to get knock down permit but won't let me have it because of asbestos. no sheet rock inside/. cleaned it up been stopped. other thing applied for name change is grandfather, mother used to own but never left will so its under Benito Juarez tried to get name changed but have to get to certain lawyers. Steve this is commercial property fed law requires asbestos all clear before demolition. Because not single family residential. how do you get it. contact environmental company and they come in and test. can only be done by licensed asbestos contractor. Love want to knock it down and he wants to knock it down but the city can knock it down. Steve hire enviro co to do testing if comes back all clear can move forward with demo

Dufford what do you think it would cost to tear down? \$5600. Can council make finding that not commercial. Lacy what is cost of asbestos inspection. \$1200. Hotchkiss can we do asbestos and let owner tear down? Dufford if this body determines this isn't a commercial building then owner can tear down. Keith why not amend ord and make specific finding on that property. Love we're just making declaration that this is not commercial property. Keith all council is doing is motion on floor in council opinion structure is not a commercial structure. if finds it is not commercial structure it changes requirements. Single family residential structure finding.

Window Thomas 100 S Madison sent letter also own 708 E Texas veered away from property trouble with kids mother. wife said to do something with in. paid all liens and will rebuild both of them. asking for time to get it rebuilt. Haven't received letter. went up Saturday. will get permit to rebuild both of them. Mayor there is still plenty of time to get work complete. Love you are going to rebuild it? tear down start from ground up. Thomas tear it down and start over. Thorpe Mr. Thomas said didn't receive notice. mailing address is 207 N Madison.

wendall

David Avilla 105 E Thomas asking for more time major situation from family and want to remove structure complete. asking for time. it will be on publication and continue doing work and they will bring it back to body to remove once work completed.

There being no one else wishing to speak, the public hearing was closed at 11:07 a.m.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9261.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9261 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

21. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Leon Capital Group for a zone change from FD, Future Development District to O-2, Office District on a 3.30-acre tract; MF-1, Multiple-Family Dwelling District on an 11.74-acre tract; and to LR-2, Local Retail District on a 23.92-acre tract on Lot 7A, Block 3, Westridge Park Addition, Section 12, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Avalon Drive and Deauville Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9262

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 3.30-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT; BY PERMITTING AN 11.74-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT; BY PERMITTING A 23.92-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT; SAID TRACTS BEING OUT OF LOT 7A, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 12, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF AVALON DRIVE AND DEAUVILLE 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 consider request for zone change to create 3 new zoning districts. change 3.3 acre tract to O-2 office district; request for 11.74 to be F-1 zoning; and 24 acres of retail zoning. mf1 tract proposing 10 building. 2 three stories rest 11:12 16 dwelling units per acre. showed layout of buildings and exterior building materials. 366 parking spaces surpasses requirement. LOr2 district avalon/andrews which is appropriate location for retail zoning. support to fprop. 3.3 acres zoned o-2 district reason for zoning is o-2 allows max building height of 7 standard stories of 80 feet. Will expand at this location is embassy suites hotel. P&Z cons on march 31 and rec unan approval no opposition. staff in favor of request.

Mayor if 191 apt complex it is going 2 story then 3 story 8 out of 10 will be 2 story. Morale only sees one entrance off 191. Jim also off Deauville. Lacy concern oct 2012 did traffic and that tract only zoned for retail which is different traffic impact. In future plans have hotel there. need to see how impact traffic because study wouldn't include it. need to make sure good stewards of what is happening in that area don't want to back up traffic. Compton is aware of very high growth. Lacy 254 unit complex just east of it as well. Morales requires to do traffic impact. Jim not at this time. Lacy not against dev but

need traffic analysis. Jose Ortiz certainly uses are different but what happens retail generate more traffic than residential. Even though multi family doesn't generate same type of trips. same thing can be said about lodging. Lacy worried about people coming into work and leaving. retail doesn't bother because traffic all different hours. but residential will be same time as office space. Jose have applicant provide update to traffic impact analysis for that area. Eng will require that new process. Love good point about traffic and other areas in town that can traffic analysis such as fairground that mobile home park, and part complex. what is time frame of how long it takes for traffic analysis to occur. Jose depend on what trying to do. smaller dev require basic study couple months. corridor study take more time. mobile home developments doesn't require much time at all. As staff trying to put together guidelines and policies to work with developers. Different stages. Lacy will this delay plans if require? Jose no minor revision.

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

Brooks Baca 15 Tatenham, answer any question. access 191 is strictly for ingress/egress fire department. tia goes because fd when did tia report used more conservative approach when plug in residential will show less traffic. Lacy that alleviates his concerns.

There being no one else wishing to speak, the public hearing was closed at 11:21 a.m.

Love discussion today is concentrated on apartment complex and now confirmed gate closed what about other entrances and exists along 191. jim require txdot approval. don't know what have planned for retail to the lot. Brooks site plan put together and have list of who wants to be interviewed. driveways already in place. where hotel site is shared access with hotel. txdot given authority there to city and driveways approved.

Lacy are we working with txdot to have traffic signal. Jose no not at this time. Can coordinate with TXDOT and see when needed. Morales city wide traffic study does it come into play. as develop corridor need to find other ways to move traffic.

Brooks tia does address traffic signal.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9262.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9262 in accordance with the Charter of the City of Midland with amendment to require updated traffic impact analysis for O-2 and MF-1 area; 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.

22. Consider:

- a. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by Troy Hunt Homes, for a zone change from AE, Agricultural Estate District to PD, Planned District for a Housing Development on a 3.03-acre tract of land 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.)

ORDINANCE NO. 9263

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 3.03-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE EAST SIDE OF HOLIDAY HILL ROAD, APPROXIMATELY 300 FEET NORTH OF MOCKINGBIRD LANE); 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 residential subdivision on east side of holiday hill rd zone change. row vacation and plat as well. 22a zoning next item is plat. strip of land left over not deep enough to develop. by vacating strip of land can develop with residential homes. PD proposing subj to reg of 1F3 single family detached homes if approved. 17 homes msot rear alley access. hoa to maintain common area. reviewed different setbacks. without approval of zone chane won't be developable. access two driveways on holiday hill rd. p7z voted 8-1 approval of request. detached single fmaily homes. Hotchkiss holiday hill rd wide enough? Planning excess of row in this instance. How many lanes? jim 5 lanes and access to additional row.

Mayor Morales opened the public hearing at 11:30 a.m.

max richardson 110 w louisiana staff outlined everything. two access points clarified locations avil to ans quesetions.

There being no one else wishing to speak, the public hearing was closed at 11:31 a.m.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9263.

Council Member Love moved approval of the first of two readings of Ordinance No. 9263 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.

- b. Approved a motion on a proposed preliminary plat of Green Hill Terrace, Section 17, being a replat of the reserve tract in Green Hill Terrace and the to-be-vacated 1.04-acre portion of Holiday Hill Road, all 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.)

Planning div mgr jim compton part two of plat assoc just looked at. have resdiential lots that do not have access to alley. 6 of 17 lots no alley access. in this acase entire subd

will be picked up on private access from top of property. p7z rec approval subject conditions a-f in staff report. city council involved in 3 steps.

Council Member Sparks moved to approve a motion on a proposed preliminary plat of Green Hill Terrace, Section 17, being a replat of the reserve tract in Green Hill Terrace and the to-be-vacated 1.04-acre portion of Holiday Hill Road, all 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.); 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.

23. At approximately 10:39 A.M. hold a public hearing and consider an ordinance on a request by Larry Miller (Midland Holiday Inn Lodging, LLC) for a zone change from PD, Planned District for a Shopping Center to Amended Planned District on Lot 4, Block 2, Westridge Park Addition, Section 7, City and County of Midland, Texas. (Generally located near the west side of N. Loop 250 West, approximately 700 feet south of Andrews Highway.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9264

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 4, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 7, 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 WEST SIDE OF NORTH LOOP 250 WEST, APPROXIMATELY 700 FEET SOUTH OF ANDREWS HIGHWAY); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Jim Compton gave a brief overview of the item noting request for zoning change to allow for a full service holiday inn. 83 feet 3 inches in height 6 story hotel with restaurant. This was originally one large district. reviewed layout of property. hotel 137 guest rooms and 4458 restaurant, 5355 sq feet meeting rooms. in front of building another pad for another potential rest. 23 feet higher than other buildings in area. rec lr-2 apply to any building except for any building set back 250 feet from property ?? 11:36 . max bldg ht of 85 feet. p7x rec unanim approval on march 31 no opposition received.

lacy where parking lot next? yes. anticipated what is going on that corner? One story taller than tallest building in area.parking concern if completely full enough parking.

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

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9264.

Council Member Love moved approval of the first of two readings of Ordinance No. 9264 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.

24. At approximately 10:42 A.M. hold a public hearing and consider an ordinance on a request by Dusty Evans for a zone change from AE, Agriculture Estate District to LR-2, Local Retail District on a 1.50-acre tract of land out of Section 8, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located approximately 460 feet west of N. Midkiff Road, and approximately 750 feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9265

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.50-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED APPROXIMATELY 460 FEET WEST OF NORTH MIDKIFF ROAD, AND APPROXIMATELY 750 FEET NORTH OF MOCKINGBIRD LANE); 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 prepared site plan for winery in order for site plan need 1.5 acres in LR-1 distr. p7z cons march 31 rec unan approv. staff concurs.

Mayor Morales opened the public hearing at 11:41 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Love wine yard. jim winery. love winery not a vineyard. Jim this will be winery on property process growing grapes on balance of property and buying grapes from other growers. opportunities for social events. Sparks retail will be selling win? Jim yes.

dusty evan 3502 mockingbird, winery to go along with vineyard. laying down ground work. need 8 or 10 varieties to start with. Lacy will put more vines on property. dusty 28 acres there now already growing.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9265.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9265 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.

25. At approximately 10:45 A.M. hold a public hearing and consider an ordinance on a request by Amit Garg – Olivia Management, LLC for a zone change from LR-2, Local

Retail District to BP, I-20 Business Park District on a 5.70-acre tract of land out of Section 2, Block 39, T-2-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of S. Lamesa Road and E. Interstate Hwy 20.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9266

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 5.70-ACRE TRACT OF LAND OUT OF SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A BP, I-20 BUSINESS PARK DISTRICT (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH LAMESA ROAD AND EAST INTERSTATE HIGHWAY 20); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Jim Compton gave a brief overview of the item noting request intended to allow construction of hotel current zoning Ir-2 allow hotel but max 29.8 4 story hotel bp business park does allow hotel up to 60 feet. already have bp zoning in area. p7z rec approval staff concurs with rec.

Mayor Morales opened the public hearing at 11:46 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9266.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9266 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.

26. At approximately 10:48 A.M. hold a public hearing and consider a resolution on a request by Butch Corey for a Temporary Land Use Permit for a Carnival, on Lot 1, Block 17, Skyline Terrace, Unit 2, City and County of Midland, Texas. (Generally located near the southwest corner of the intersection of W. Loop 250 North N. Midkiff Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 136

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

Planning Division Manager Jim Compton gave a brief overview of the item noting carnival at midland park mall. one small difference days and hours mf 5-11 p.m.s-s 2-12 midnight. previous ex were request for level of sound redu at 10 no alcoholic bev 6 port restrooms. 2 cert peace officer to 6. after that 4. carnival granted to same applicant twice last year. duration fo 10-11 days. this app 19 days period exceed what approved at this location. policy not allow 1 tup in on period. staff rec approval with caveat on length of operation.

mayor issue is sound of music /. jim reduce at 10 p.m.

Mayor Morales opened the public hearing at 11:51 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Sparks moved to adopt Resolution No. 2014 - 136 with amendment to reduce length of time to 10 days within the period of time; seconded by Council Member Lacy.

Lacy suggest doing at sports complex instead of at mall? courtney wehr eits always been done.

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

27. At approximately 10:51 A.M. hold a public hearing and consider an ordinance on a request by Kathie Grozdanich / Wings and More for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on Lot 3G, Block 6, Scotsdale Addition, Nineteenth Section, City and County of Midland, Texas. (Generally located on the south side of W. Wadley Avenue, approximately 525 feet west of N. Midland Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9267

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 3G, BLOCK 6, SCOTSDALE ADDITION, NINETEENTH SECTION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 550 FEET WEST 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 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

insert consecutive into #26 of motion. 10 consecutive days.

Planning division mnager jim compton gave a brief overview of the item noting rest wings and more max seating cap 64 person max service area 987 feet. 1030 am to 10 pm city council previous determined hsopping center. p7z rec approval march 31 no

opposition.

Mayor Morales opened the public hearing at 11:55 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9267.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9267 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

lacy lot 3h does thatmean hwole lot has to have wadley entrance jim shared driveway.

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

28. At approximately 10:54 A.M. hold a public hearing and consider an ordinance on a request by Lamar Advertising / Chris Stokes for a Specific Use Permit with Term for a Billboard on Lot 1, Block 2, West Industrial Park, Section 3, City and County of Midland, Texas. (Generally located on the north side of State Highway 191, approximately 750 feet east of Farm to Market Road 1788.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9268

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 2, WEST INDUSTRIAL PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 750 FEET EAST OF FARM-TO-MARKET ROAD 1788), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Jim Compton gave a brief overview of the item noting request by lamar advertising to locate billboard on sh 191 near fm 1788;. requires sup. proposed billboard 672 sq feet in area. 5 foot from rear property line. size location and zoning of proposal meet all requirements of sign code and meets requirements of policy adopted by plan comm, resonable location for billboard no public opposition. p7z rec unan approval. point out applicant without needing to do so agreed to removed existingbillboard on front street. and has alredy been removed.

hotchkiss when rewrote it was clear called prohibited signs . only way can place billboard in this row is with . committee asked to protect entry ways to city. very cleary defined major thoroughfares. They say prohibited. twice council gave direction. this has been direction of city council through years to protect entryways to city. Dufford been on council longest and correct. leads to second point of wanting to take look at current ord and revise before decide on more billboards.

dufford if vote down have to wait one year to reconsider. if table look at ord before consider this item. Love additional but not mroe because created one recommend defer not table. have to address that first unless come back. Just defer. Morales concern trying to protect gateways and talk about size of signs and where place. Hotchkiss think direction fo council has been lost and need to discuss what we want for future and communicate to p7z and applicants to come forward. Dufford. Not sure want to deny it but don't want to do it haphazardly. lets put thought into it and make sure we're putting signs where appropriate. Jim if in LR2 district require sup some lr2 are more appropriate thn others.

Mayor Morales opened the public hearing at 12:04 p.m.

chris stoke 515 3 rivers plce midland. got unan approval. special use had no opposition. others in area high demand for locations because of devleopment on 191. no residential close by commercial area and feel approp. support idea of freezing and only allow ehcn old one comes down. Did take one down in anticipation of this. Took it down voluntarily to set precedent. Can certainly discuss ord happy to participate in any meeting about drafting ord to mvoe forward. Sparks on particular billboard is it elec. chris no statis tradition vinyl wrap double sided. will be premium site. Dufford why not electronic. city limits to 400 sq feet and too small for divided highway.

Love think possible elctronic billboards will decrease the number of billboards. most city wont allow digital unless more than one comes down.

There being no one else wishing to speak, the public hearing was closed at 12:08 p.m.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9268.

Council Member Hotchkiss moved to defer the item until a later date ; 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.

mayor asked htochkiss take lead on discussion.

29. At approximately 11:00 A.M. hold a public hearing and consider an ordinance on a request by Midessa Fire Extinguishers for a Specific Use Permit without Term for a Mobile Home for use as a Guard's Residence on Lot 9, Block 3, Stockard Acres, City and County of Midland, Texas. (Generally located on the east side of Goode Street, approximately 1050 feet south of W. Florida Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9269

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF LOT 9, BLOCK 3, STOCKARD ACRES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF GOODE STREET, APPROXIMATELY 1,050 FEET SOUTH OF WEST FLORIDA AVENUE), WHICH IS PRESENTLY ZONED C-3, COMMERCIAL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A MANUFACTURED HOME FOR USE AS A GUARD'S RESIDENCE; 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 applicant wishes to withdraw application.

30. At approximately 11:03 A.M. hold a public hearing and consider a resolution on a request by T. Richard & Beth Crawford for a Special Temporary Permit for the placement of a Manufactured Home a 4.86-acre tract of land out of Section 26, Block 40, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the west side of Roadrunner Trail, approximately 1,225 feet north of Cactus Trail.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 137

RESOLUTION AUTHORIZING A TEMPORARY SPECIAL PERMIT FOR A MANUFACTURED HOME ON A 4.86-ACRE TRACT OF LAND OUT OF SECTION 26, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF ROADRUNNER TRAIL, APPROXIMATELY 1,225 FEET NORTH OF CACTUS TRAIL)

Planning division manger jim compton gave a brief of notin temp mobile home for property on roadrunner tril north of cactus trial. a pplicant wishes to construct home on property asked for sepcial tup during period of construction. will be guards resident. permit for 1 year should be plenty of time after which time mh have to be removed. no letter of opposition one letter of approval.

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

brian kirkendahl 4400 cayote, first question nto going to be trailer houses. 10 acre tract now might be because might hurt his development selling 2 acre lots. Lacy tell only temp already have a shop why can't they stay there. object to this use never trailers allowed before.

request for temporary permit due to security equal to but not reater construction of permanent residence . there is a shop no living quarters at all. to his kno htochkiss how long builders take break gorund in may should be in residence by christmas which will remove mobile home immediately.

Hotchkiss explain difference between mobile home mfgd home and mobile home virtually same thing. called trailer and after 1976 mfg home. ask to disregard ref to camping trailer in line two it is a mfg home. terms in reso cannot exceed 600 sq feet only single story height cannot be rented out or used . expire no later than april 8 of next year.

previous speaker T. Richard Crawford 2205 Bedord.

There being no one else wishing to speak, the public hearing was closed at 12:16 p.m.

Lacy start construction in next couple of months two months before can start. 5 two-acre tracts. how long? if start in 2 months betwee 4 and 5 months near end of year. Ntohing

in but people build houses all time and have built. Love it does happen when people build houses and put in trialer.

Council Member Sparks moved to adopt Resolution No. 2014 - 137; 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.

Love emphasised to Mr. Kirkendahl this is temporary.

31. At approximately 7:00 P.M. hold a public hearing on the 2014-2015 Community Development Block Grant Program. (DEVELOPMENT SERVICES)

MISCELLANEOUS

32. Approved a resolution on a request to accept the dedication of utility easements on a request by D.R. Horton, Ltd. – Texas, being tracts of land all located in Adobe Meadows, Section 6, (Tract 1) a 25 square foot tract in Lot 5, (Tract 2) a 576 square foot tract in Lot 9 and (Tract 3) a 29 square foot tract in Lot 11, (Tract 4) a 575 square foot tract in Lot 17, (Tract 5) a 25 square foot tract in Lot 20, (Tract 6) a 689 square foot in Lots 25 and 26, (Tract 7) a 25 square foot tract in Lot 26, (Tract 8) a 25 square foot tract in Lot 34, (Tract 9) a 580 square foot tract in Lot 36, (Tract 10) a 28 square foot tract in Lot 39, (Tract 11) a 581 square foot tract in Lot 46, (Tract 12) a 29 square foot tract in Lot 56, (Tract 13) a 526 square foot tract in Lot 62, (Tract 14) a 36 square foot tract in Lot 63, (Tract 15) a 575 square foot tract in Lot 67, (Tract 16) a 25 square foot tract in Lot 70, (Tract 26) a 589 square foot tract in Common Area "A", all in Block 15; (Tract 18) a 550 (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 138

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GENERAL UTILITY EASEMENT FROM D.R. HORTON-TEXAS, LTD. FOR THE USE AND BENEFIT OF THE PUBLIC FOR PUBLIC UTILITIES LOCATED IN ADOBE MEADOWS, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

Planning Division Manager Jim Compton gave a brief overview of the item noting plat signed but 28 utility easements that were not included on the plat (electric) easiest way to get in hand is dedication by seperate ?? if approve adopt different easements.

Council Member Hotchkiss moved to adopt Resolution No. 2014 - 138; seconded by Council Member Love.

Sprkas just putting ducks in row cleaning up an dputting where suppoed to be.

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

33. Approved a motion on a request for the annexation of a 16.90-acre tract of land on a request by Younger Partners, Ltd. (2) out of Section 8, Block 40, T-2-S, T&P RR Co.

Survey, Midland County, Texas. (Generally located on the southwest corner of the intersection of Wright Drive and Loop 40.) (DEVELOPMENT SERVICES)

pdm jim compton application to annex land near airport on sw corner loop 40 and wright drive. here today to ask permission to initiate process to start annexation. lachy part of bomadier bus park? yes. ph later and ord.

Council Member Love moved to approve a motion on a request for the annexation of a 16.90-acre tract of land on a request by Younger Partners, Ltd. (2) out of Section 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the southwest corner of the intersection of Wright Drive and Loop 40.); 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.

34. Consider an ordinance amending Title V, Business Regulations" of the City Code of Midland, Texas, Chapter 10, "Sidewalk Sales and Selling from Fixed Locations." (CITY ATTORNEY'S OFFICE)

ORDINANCE NO. 9270

AN ORDINANCE AMENDING TITLE V, "BUSINESS REGULATIONS", CHAPTER 10, "SIDEWALK SALES AND SELLING FROM FIXED LOCATIONS", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO MAKE COMPREHENSIVE REVISIONS TO THE REGULATION OF SIDEWALK SALES AND SELLING FROM FIXED LOCATIONS WITHIN THE CITY OF MIDLAND; SETTING FORTH REQUIREMENTS FOR ISSUANCE OF CERTIFICATES, PERMITS, AND LICENSES; PROVIDING FOR A FEE OF ONE HUNDRED DOLLARS (\$100.00) FOR FIXED LOCATION PERMITS AND LICENSES; PROVIDING FOR IMPOUNDMENT UPON FAILURE TO COMPLY WITH AN ORDER TO CEASE OPERATION; SETTING FORTH APPEAL PROCEDURES; NEGATING AND DISPENSING WITH THE CULPABLE MENTAL STATE REQUIREMENT; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Building Official Steve Thorpe gave a brief overview of the item noting reworking of ordinance for street vendors. Committee worked together member of food vending commu nity, love and other staff members to come up with rules felt good for changes necessary. Does not include food vendor court. gives ability to be in more regular location. Approach acceptable to industry and city. can only happen in commercial districts not residential. feel good ord and ask for Council consideration.

Love worked with citizens and vendors and had intiiial meeting but no subsequet meetings after. Steve no significant changes other then enforcement. Love what bout insurance. Steve none discussed. Lvoe wouldn't that be prudent to require? Steve two situations, private property up to property owner to be indemnified. does require property owner to provide written auth to be on rproperty. Use of street row allowed at los ??? 10:27 and centennial without insurance. Love four days on? Steve can be there every day as long as you leave overnight. Talked about with Mr. Brown was more

permanent locations and there is something in zoning ord and since reworking don't want to amend until hav einput from consultant and do at one time. Love what is the different between sidewalks sales and fixed location. Steve sidewalk occurs from retailer and needs permit happens occassionally 4x year. Dufford does it take into account Lowes for plants steve own seperate rules and this does not affect that. This ord is selling from fixed location does not include sidewalk sales. Other chpaters of ord dealt with street vendors. Love hypothetical group that comes to mall twice ayear and does rug sales how does this affect that. Steve stay set up overngiht need a temporary land use permit. Ex Todd brown can go on marienfeld and be there during day and leave overngiht but comes back everynight.

Sparks written auth from owenr is part of permitting process and how long permit good for. steve one year. sparks if owner decide don't want there anymore what can they do. steve contact code admin rescind permission and code will let know no longer have permission. Sparks permit good for one year in new permit have to have owners permission. Steve have to be on improved property. Morales if own property want to keep food trailer there have to have pavement and an approach. Morales how address weekend? steve adjust code compliance schedules. health dept has ability to enforce, fire marshal and plice department.

Dufford is this first time actually required health permit? steve food vendors always required health permits. don't know if have valid health permit. Duford now track where vendors are and can inspect kitchens. Steve going to hav eto have health dept permit already permit , if cook permission from fire, background from pd and register where will be. Give them a sticker that readily viewable from public row and go down path. Those that aren't will take approp action. This should make everybody out there legitimate business people. Keith answer is yes.

Lacy process to lead to entitle.ment. Steve if id someone not compliance have opportunity to pack up and get appropriate license. if not clal police and police can impound at that time. They have right to appeal. Dufford feed back from mobile vendors has it been positive? no negative feed back from those talked to. Morales reason was to go after health, safety and cleanliness to ensure citizens were getting well made product in safe environment. Deals with other people who set up.

Hotchkiss what about ice crem truck? Steve have own ruels and they get vendors license from health dept and exempt. As is a true mobile food endor and co ntinually move throughout day they are not selling from fixed location for the entire day. snowconde vendors have own rules.

Morales if have burrito establishment and sell int runk of car will ask for permit, caterer is different, if selling in parking lot and dont' have mobile food vendor license will ask for license if no license need to go get license and stop operation. Morales think this will satisfy food vendors. Todd Brown, brown bbq 3200 mariana. one quick question could clarify if entity owns own property what are requirements for those. Steve if want to come and go everyday as long as improved property can vend from there. always require drive way and approach and improvements depend on zoning. Brown insurance for food trucks. if on property owners place their insurance covers them? if consumer consumes from food truck and not insured and consumer gets ill there is problem for citizens. Morales as long as have health permit said i consumed x product and helath dept does inspectiona nd health dept invetigates. Steve insurance up to property

owner. Keith kicked around should require or not decision is its a private issue. every business carry it its business decision didn't think city should require it.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9270.

Council Member Love moved approval of the first of two readings of Ordinance No. 9270 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

35. Approved a resolution authorizing the City Attorney to execute an amendment to the deed that is dated August 9, 1960. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2014 - 139

RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXECUTE AN AMENDMENT TO THE DEED THAT IS DATED AUGUST 9, 1960, WHERE THE CITY OF MIDLAND SOLD 709 WEST TENNESSEE AVENUE, (BLOCK NUMBER 49 1/2 OF THE HOMESTEAD ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS), TO THE CHURCH OF CHRIST LOCATED AT NORTH "A" STREET AND TENNESSEE AVENUE; THE AMENDED DEED SHALL ELIMINATE CERTAIN RESTRICTIONS, THE LIMITATION ON AN ASSIGNMENT AND REVERSIONARY ISSUES; AND THE CITY ATTORNEY IS AUTHORIZED TO EXECUTE A QUITCLAIM DEED TO THE CHURCH OF CHRIST LOCATED AT NORTH "A" STREET AND TENNESSEE AVENUE REGARDING THE FORMER SAN ANGELO STREET RIGHT-OF-WAY WHICH WAS ABANDONED BY ORDINANCE NO. 5942 DATED MARCH 9, 1982

Keith Concho trying to expand downtown. city sold property to church 1960 had limitation had to be used a sparking lot if ceased would revert back to city. obviously church wants to sell to concho and cant do if city keep reversion clause. second issue 1982 city council abandoned san angelo street and quit cliam deed did nto get filed. affirm street abandoned and file quick clima deed.

Council Member Lacy moved to adopt Resolution No. 2014 - 139; 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.

36. Receive a presentation and discuss a proposed ordinance to amend Title V, "Business Regulations," by adding Chapter 11, "Credit Access Businesses"; setting out the purpose for a proposed program of registration and regulation of credit services organizations that act as credit access businesses, commonly known as "cash advance lenders," "payday lenders," and "auto title lenders," that will regulate areas in which Chapter 393 of the Texas Finance Code is silent or has not preempted municipal regulation; defining terms; and authorizing the enforcement of the proposed ordinance. The Council may discuss litigation styled as Consumer Service Alliance of Texas, Inc. v. City of Dallas, 05-13-00255-CV (Tex. App. – Dallas). The Council will discuss Chapter

393 of the Texas Finance Code. The Council will discuss imposing reasonable restrictions on extensions of consumer credit made by credit access businesses and imposing recordkeeping requirements. (CITY ATTORNEY'S OFFICE)

First Assistant City Attorney John Ohnemiller noted Mayor MOrales asked to draft proposed ord discussion item only. Want to go over structure of ordinance and what it would do should council decide to pass. regulates credit access business commonly known payday lender or _____. The first 6 cities passed ord that reg were sued. the purp of prop ord is to protect citizens and to monitor this business. this area this business operates in is associated in cycle of debt and dependcy for cash. This ord has 3 things. 1) registration requirement - requires business to get certificate from city, have to have state license licenfee \$25 good for 1 year have to display on site. 2) provides restrictions as to manner of loans with respect to repayment and refinancing. prop ord requries business to determine consumers income for a paycheck or some other doc. limits cash adv to 20%of income lmits when vehicle title is put up based on value of vehicle or consumers gross income. in loans payable in installments limits to 4 payments to not getting refinanced or renewed. no refinance or renewing more than 3 times. proceeds 25% have to be applied to principal so interest doesn't keep compounding. 3) impose record keeping requirement. have consumer name address amount of loan type of loan and fees they charge. keep on fiel written agreement and ocumentation used to detmine persons income. keep on file quarterly report required to file with state. enforcement component by code adm fine \$500 or midland plice dept. effective date July 1. no action today. misc things doesn't allow type bus to be within 1000 feet of one another. Dufford how get around usuary laws when comes to elnding.. John theri business model is broker they are middle man guaranteeing loan or advnace of credit from other third party and that is how get around usury. charge fee not interest. Love commend City Attorney's office great job on this. Based on been seeing regarding the lawsuits of 3 areas that you mentioned registration, restrictions and record keeping. what are they suing about? John they don't want it period 3 area. 1 preemption by state law. 2) have to change business model and impose restriction its virtual prohibition against business model. Not a legal argument as muchas this is not fair. 3) challenge foundation of rodiance itself in way it was passed. didn't hold meeting or post properly. Lacy how many currently in Midland? Courtney 20 jplus. Morales this needs to be studied hard issued with high cost of living these type of institutions having impact on residence need to keep people in their homes and keep them safe. These companies are harsh on citizens. taking advantage of them. need to continue looking at this. Dallas had great success. We don't want to have a city of payday elnding stores in City. Dufford, of lawsuits filed how comfortable defending city against lawsuits? in house or hav eto hire outside legal counsel? or enough help with other cities. John think because will be following pth someone else gone down quite possible to defend in house. Dufford outside of costing time from City Attorneys office won't have to hire legal help from outside sources. John may not, someone is going to get direction as to what courts say. Dallas is on appeal and already had oral arguments. Love glad doing this is equivalent of modern day share cropping wher eindividual cannot get out ofdebt and contiue to be subjectd to indentured servitude. John purp of ord is to protect citizens. Mayor and hopeful education citizens to say this is it because new rules and help get to instituon on path of recovery. John have to provide folks info regarding programs to help with situation.

37. 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.

Council Member Love moved to appoint Paul Colwell to 4B Board to replace Wesley Bounds; appoint Karla Repman, Scott Young to zoning board of adjustment and airport zoning board; sharla Hotchkiss to CDBG
; 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.

EXECUTIVE SESSION

recess to executive session at 12:40 p.m.

38. 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 551.072 Deliberation Regarding Real Property.
 - b.1. Discuss the purchase, exchange lease or value of real property described as Block 2, Lot 1, Commercial Bank Addition, Midland, Midland County, Texas.
 - c. Section 551.071 Consultation with the City Attorney.
 - c.1. Discuss matters in which the duty of the attorney(s) 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.
 - c.2. Discuss Texas Attorney General Opinion by former Texas Attorney General Dan Morales, No. DM-232.
 - c.3. Discuss legal issues related to the Midland Development Corporation, a Type A Corporation as authorized by Chapter 504 of Texas Local Government Code, and the Midland Football-Soccer and Baseball Complex Development Corporation, a Type B Corporation as authorized by Chapter 505 of the Texas Local Government Code.
 - d. Section 551.074 Personnel Matters.
 - d.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.

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