

**MIDLAND CITY COUNCIL
MINUTES
May 20, 2014**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on May 20, 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., May 20, 2014.

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

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

The Agenda Items were heard in the following order:

OPENING ITEMS

1. Invocation - Reverend Pat Bryant, Travis Baptist Church

2. Pledge of Allegiance
3. Approved a resolution canvassing the returns and declaring the results of the May 10, 2014 Special Election for one City Officer. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 161
RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF
THE MAY 10, 2014 SPECIAL ELECTION FOR ONE CITY OFFICER

Council Member Love moved to adopt Resolution No. 2014 - 161; seconded by Council Member Sparks.

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

4. Conduct Swearing-In Ceremony for the newly elected At-Large Council Member, Spencer Robnett.

PRESENTATIONS

Mayor Morales presented Catherine United Way ____

5. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Retirement Commendation to Mary Peña.
 - b. Presentation of Paul C. Rea Award for Sustained Excellence from United Way of Midland.

PUBLIC COMMENT

Gerald White, 1207 N Garfield, involved in incident on April 30 1 a.m. unit of pd stopped with making contact with him. Awoke with spotlights in back bedroom windows. Don't think unreasonable every citizen has right to privacy in own home.

no other citizens wishing to speak

6. 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 Dufford moved to approve Consent Agenda items 8 - 19 excluding 7a, 9, 18; 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.

8. Approved a resolution approving the selection of MW Builders, Inc. as the Construction Manager at Risk for the new Municipal Court building for a cost of \$559,000.00 plus \$282,287.50 (which is 2.75% of the anticipated construction cost of \$10,265,000.00) for a total of \$841,287.50; and appropriating funds. (PURCHASING)

RESOLUTION NO. 2014 - 162

RESOLUTION AUTHORIZING THE SELECTION OF MW BUILDERS, INCORPORATED, AS THE CONSTRUCTION MANAGER AT RISK FOR THE NEW MUNICIPAL COURT BUILDING; AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH MW BUILDERS, INCORPORATED AS THE CONSTRUCTION MANAGER AT RISK FOR THE NEW MUNICIPAL COURT BUILDING; AND APPROPRIATING \$841,287.50 FROM THE GENERAL FUND UNAPPROPRIATED BALANCE; AND CONSTRUCTION COSTS ARE ESTIMATED TO BE \$10,265,000.00; AND MW BUILDERS' PROPOSAL WAS MORE EXPENSIVE THAN SOME OF THE PROPOSALS, BUT RECOMMENDED AS THE BEST VALUE FOR THE CITY OF MIDLAND

10. Approved a resolution authorizing the appropriation of funds to the Atmos Rate Review Mechanism Project in the amount of \$230,000.00. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014 - 164

RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS TO THE ATMOS RATE REVIEW MECHANISM PROJECT IN THE AMOUNT OF \$230,000.00

11. Approved a resolution authorizing City staff to accept a waterline utility easement from SBC LP for the purpose of constructing public water utility improvements to serve Westridge Park Addition Sections 26 and 27. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 165

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 200-SQUARE FOOT WATER LINE EASEMENT LOCATED IN LOT 6B, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 12, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

12. Approved a motion on a request by Maverick Engineering LLC for the Kalpowar Estates Section 4 to approve items requested for deferral, and to discount the associated construction costs by an amount equal to the full cost of construction. The subject property is generally located approximately on the east side of Trobaugh Blvd, 750 feet north of Briarwood Ave. (ENGINEERING SERVICES)
13. Approved a motion on a request by Maverick Engineering LLC to defer construction of public improvements for the Agri-Empresa Subdivision Section 2, and to discount the associated construction costs by an amount equal to the full cost of construction. The subject property is generally located on the northeast corner at the intersection of IH 20 and South County Road 1250. (ENGINEERING SERVICES)
14. Approved a motion on a request by Maverick Engineering LLC to defer construction of public paving improvements for the Agri-Empresa Subdivision Section 2, but to allow construction of such items to occur during the next five years. The subject property is generally located on the northeast corner at the intersection of IH 20 and South County

Road 1250. (ENGINEERING SERVICES)

15. Approved a resolution authorizing City staff to accept a pedestrian access easement from Midland Independent School District for the purpose of constructing public sidewalks to serve The Vineyard Addition Section 4. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 166

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.130-ACRE NON-EXCLUSIVE PEDESTRIAN ACCESS EASEMENT LOCATED IN LOT 1, BLOCK 3, THE VINEYARD ADDITION, SECTION 4, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY; THE CITY IS PURCHASING THE EASEMENT FROM THE MIDLAND INDEPENDENT SCHOOL DISTRICT

16. Approved a resolution authorizing City staff to accept a wastewater utility easement on lands owned by Western-T Corporation, assigned from Fasken Land and Minerals Ltd., for the purpose of constructing public wastewater utility improvements to serve The Vineyard Addition. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 167

RESOLUTION ACCEPTING AN ASSIGNMENT OF A SANITARY SEWER EASEMENT FROM VINEYARD RESERVE, LLC., A TEXAS LIMITED LIABILITY COMPANY; AUTHORIZING THE EXECUTION OF SAID ASSIGNMENT OF A SANITARY SEWER EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

17. Approved a resolution authorizing City staff to accept a wastewater utility easement on lands owned by Button Estes Ranch Ltd., assigned from Fasken Land and Minerals Ltd., for the purpose of constructing public wastewater utility improvements to serve The Vineyard Addition. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 168

RESOLUTION ACCEPTING AN ASSIGNMENT OF A SANITARY SEWER EASEMENT FROM FASKEN LAND AND MINERALS, LTD.; AUTHORIZING THE EXECUTION OF SAID ASSIGNMENT OF A SANITARY SEWER EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY; FASKEN LAND AND MINERALS RECEIVED THE EASEMENT FROM BUTTON ESTES RANCH LTD.

19. Approved a resolution to appropriate interest earned on the FY2011 Justice Assistance Grant funds. (POLICE)

RESOLUTION NO. 2014 - 170

RESOLUTION APPROPRIATING INTEREST EARNED IN THE AMOUNT OF \$38.84 ON THE FY2011 JUSTICE ASSISTANCE GRANT FUNDS; THE GRANT AWARD PLUS INTEREST MUST BE EXPENDED OR RETURNED TO THE FEDERAL GOVERNMENT AS A REQUIREMENT OF THE GRANT

7. Approved a motion approving the following minutes:

Sparks pulled for new Council to abstain.

Council Member Sparks moved to approve Approved a motion approving the following minutes;; seconded by Council Member Lacy.

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

Regular meeting of May 6, 2014.

Council Member Sparks moved to approve Approved a motion approving the following minutes;; seconded by Council Member Lacy.

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

9. Approved a resolution approving the purchase of 55 - 6' park benches, 25 - 6' picnic tables, 12 - 12' picnic tables, 15 - 18" x 24" BBQ pits, 4 - 18" x 36" BBQ pits, 2 - octagon gazebos, 1 - hexagon picnic shelter, 6 - playground renovations and 8 - 2 bay swings with surface mulch for the Community Services Department; and appropriating funds. (PURCHASING)

RESOLUTION NO. 2014 - 163

RESOLUTION APPROVING THE PURCHASE OF ASSORTED PLAYGROUND AND RECREATIONAL EQUIPMENT FROM MIRACLE RECREATION EQUIPMENT COMPANY C/O CHURCHICH RECREATION LLC, OF NIWOT, COLORADO; AND SITE SOURCE, INCORPORATED, OF FLOWER MOUND, TEXAS, AND EXERPLAY, INCORPORATED, OF CEDAR CREST, NEW MEXICO AT A TOTAL COST OF \$709,730.28; AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH MIRACLE RECREATION EQUIPMENT COMPANY C/O CHURCHICH RECREATION LLC, OF NIWOT, COLORADO, FOR LABOR, MATERIAL, EQUIPMENT AND SUPERVISION FOR PLAYGROUND ITEMS AND BAY SWINGS; AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH SITE SOURCE, INCORPORATED, OF FLOWER MOUND, TEXAS, FOR LABOR, MATERIAL, EQUIPMENT AND SUPERVISION TO PURCHASE AND INSTALL OCTAGON GAZEBOS AND A PICNIC SHELTER; AND APPROPRIATING FUNDS; PARKS EFFECTED WILL BE DUNAGAN, HILL, HIDALGO, C.J. KELLY, COWDEN, GARRETT-BROWN, PIONEER, SPARKS, WADLEY-BARRON, AND BEAL

Sparks pulled primarily may have been asleep been 600,000 off unappropriated fund balance. wasn't an appropriated item. Courtney this particular expenditure coming out of 2012 co. less than 20,000 of 700,000 that is extremely small percentage. 8-9000 out of rec 600000 out of unappropriated fund balance. from his standpoint looked at bids look fine and don't know didn't have time to look at all parks. Do know putting in bbq pits because still in burn ban. point is unappropriated think we have other things that might have priority for unappropriated. just budget for next year. Didn't get briefing unless sleeping. Tina are using small amount from 2012 co from las t6 playgrounds. that came in under budget and wanted to spend to close project out. \$20,000. when bid out this project coming in a little under so use with grill pits along with rec line item from budget. Council made a commitment to renovate 6 playgrounds every 2 years. the 6 are 2014 given to accomplish 6 more. \$600,000 is part of budget. Tina made

request for 2014 co's some under unobligated fund balance but staying on track. Morales beyond bbq pits its playground equipment. Sparks have no problem with bids have problem with fact that. Dufford remember talking about doing 6 every two years. Mayor at what point do get in front of Council that need to understand it thoroughly. Sparks when last talk about parks. Dufford suggest might do if put down Council priority when send out Council packet if you put Council priority. Hotchkiss happen to know it was apriority because of involvement with parks. Dufford can put that and call and ask why. Courtney if remember back when presented co issuance had \$52 million of capital work that needed to be done. instead of issuing \$52 m of debt brought plan to issue \$28 m of debt and balance unappropriated fun balance. Had planned all along for dollars to be taken out of unappropriated along with some other capital projects known would be using that fund balance. Get cop of that to you. Sparks do remember that discussion. Mayor don't want taxpayers to feel like spending money on not quality of life issues.

Council Member Love moved to adopt Resolution No. 2014 - 163; seconded by Council Member Dufford.

Hotchkiss did go by for voting process and saw different mock-ups and playground equipments that could have been offered. Very impressive. Staff had people vote on what fit best in different parks. Thanked staff for organizing and getting together. Tina Laurie did amazing job.

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

18. Approved a resolution adopting the findings by the Fire Marshal and the Police Chief that all fire lanes existing in the City of Midland on May 20, 2014, are marked and located correctly. (FIRE)

RESOLUTION NO. 2014 - 169

RESOLUTION ADOPTING THE FINDINGS BY THE FIRE MARSHAL AND THE POLICE CHIEF THAT ALL FIRE LANES EXISTING IN THE CITY OF MIDLAND ON MAY 20, 2014, ARE MARKED AND LOCATED CORRECTLY

Love pulled because approving adoption of his findings what are they? Isbell this is house cleaning. Keith what they do is approve parking lane zones through permit and planning process. When police or fire issue parking citation from one of zones and someone contests it goes to muni court. What traditionally have resolution affirming their finding so when someone contests this reso is presented and fine plat and bldg permit to prove. reso is brought police chief and fire marshall will do it and Council approves. Basically a clerical that all do and can use when issue tickets in muni court. Love sanctioned by council but admin. Robnett how often required. Hickman when property designed fire lanes provided at that time to provide adequate protection. Code states have to get within 150 ft of bldg.

Sparks on average how many time in front of Council. Keith you will see another in 3 years.

Morales with surge in population and heavy congestion with traffic are fire lanes working okay. Hickman still changing in some area especially multi family. historically that is

critical to access properties. Have identified boundaries is critical. Enforcement is a challenge too. give warning prior to issuing citations to let patrons know prohibited form parking. citation last resort. love what bout individuals in emergency situation who dn;t pull over? hickman - thats patrol for police dept. their mission is to maintain firelanes.

david all commissioned police officers so they can issue citations.

Council Member Lacy moved to adopt Resolution No. 2014 - 169; seconded by Council Member Robnett.

if get license plate number can report.

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

SECOND READINGS

20. Consider an ordinance on second reading 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-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

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

Council Member Love moved to approve the second and final reading of Ordinance No. 9262 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

lacy robnet get rid of 02 and make lr2. if need height variance if need for future plans.

chuck harrington height variance is 28 feet and got to be prudent to make sure

changing what original intent of other land. can always get variance. Chuck practice used in past for hotels that need more height to use LR-2.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9262 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Brooks Baca 15 tattenham. O-2 zoning was something were told needed to get. understand concern. have to come for a variance and if variance gets denied now Ir-2 zoning that can't build. surrounded by LR-2. Baca if have user that needs 7 story then that user needs to come in where user doesn't have anywhere to go. can get variance approved along with amendment? Lacy no motion is to change zoning not to approve height variance. Baca showed rendering and who is coming in. Love don't need to see renderings. Trying to protect businesses that are already in area that when they bought property had a zoning and this all of sudden changed. They purchased on intent that would be LR-2. Morales if approve with amendment are you saying slow down dev. Baca have to come back for variance and no guarantee it will be approved. Dufford are we saying we are not going to approve a variance or if nothing is built there then leave o-2. Lacy seen subdivisions approved and not what Council had anticipated it would be. Want to keep LR-2 if want height variance then fine. When they built it under assumption would stay LR-2. concern is for height. Lets say what leon capital anticipates what is happening. Love clarity it's not going back to LR-2. Want zoning in place before have uswer. It may not happen. He's expecting to have o-2 zonign completed today. TIA was for multi fmaily. Had concern about O-2 from get go. Mayor need to be more up front in advance not being business friendly.

Htochkiss thank goodnes working on comprehensive master plan. alot of this iwll be settled with that. and make decision to simplify it. lacy if wnat to make motion to grant height variance okay. Keith can't do it. Dufford wish would of brought up amonth a go when had discussions as opposed to spring on now. That is only concern now. would rather approve it as discussed for last month and let this one go because no changing the game midstream and don't know that that is fair.

Love is it possible do a PD SC governed by O-2 that way if don't go through whoever goes back it would have to come be approved and would allow applicant to move forward. Keith don't see but don't see where it would get applicant what he wants because would have to get site plan approved. Dufford get point don't want to change the game mid stream.

Mayor what is vision of Council bothers to determine last minute. Love if applicant does go through and build what he says he would build that would satisfy Lacy. Yes, plans change all the time. Dufford in todays time they are doing it. chuck clarify when go to PD normal would have site plan tied to PD and that would be significan depature with pd attached. secondly this is going from future development to O-2 so amenmdent should address going to ?? 10:49 a.m.

If didn't approved (Mayor) and it's a year if ordinance is defeated its a year before can come forward.

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

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

21. Consider an ordinance on second reading on a request by Schlumberger Technology Corporation for a zone change from BP, I-20 Business Park District to LI, Light Industry District on all of Blocks 1 and 2, Agri-Empresa Subdivision, and an 8.87-acre tract of land out of Block 40, Section 11, T-2-S, T&P Railroad Company Survey, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of West Interstate Highway 20 and South County Road 1250.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9271

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING ALL OF BLOCKS 1 AND 2, AGRI-EMPRESA SUBDIVISION, AND AN 8.866-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 BP, I-20 BUSINESS PARK DISTRICT, TO BE USED AS AN LI, LIGHT INDUSTRIAL DISTRICT (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF WEST INTERSTATE HIGHWAY 20 AND SOUTH COUNTY ROAD 1250); 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. 9271.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9271 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.

22. Consider an ordinance on second reading on a request by Johnny Reyes for a for a zone change from PD, Planned District for a Recreation Center to CE, Country Estate District on Lot 1, Block 1, Rolling Green Acres Addition, City and County of Midland, Texas. (Generally located on the north side of East Highway 80, approximately 400 feet west of Todd Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9273

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 1, ROLLING GREEN ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A RECREATION CENTER, TO BE USED AS A CE, COUNTRY ESTATE DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF EAST HIGHWAY 80, APPROXIMATELY 400 FEET WEST OF TODD 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 Adriana Moreno read the caption of Ordinance No. 9273.

Council Member Love moved to approve the second and final reading of Ordinance No. 9273 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.

23. Consider an ordinance on second reading amending Ordinance Number 8400 which established fees and charges for Parks & Recreation, the Martin Luther King, Jr. Community Center, and Hogan Park Golf Course. (COMMUNITY SERVICES)

ORDINANCE NO. 9275

AN ORDINANCE AMENDING ORDINANCE NUMBER 8400 ESTABLISHING FEES AND CHARGES OF THE CITY OF MIDLAND COMMUNITY SERVICES DEPARTMENT FOR PARKS AND RECREATION, WASHINGTON AQUATIC CENTER AND DOUG RUSSELL POOL, ANIMAL SERVICES, AND HEALTH AND SENIOR SERVICES DEPARTMENT; AND REPEALING ORDINANCES SPECIFICALLY IN CONFLICT WITH SUCH FEES AND CHARGES ESTABLISHED HEREIN

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9275.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9275 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.

PUBLIC HEARINGS

24. At approximately 10:30 A.M. hold a public hearing on the 2014/15 Community Development Block Grant Program. (DEVELOPMENT SERVICES)

Sylvester Cantu continue in process of alloc 2014-2015 cdbg funds. council htochkiss love meet with cdbg council committee and identify additional funds tha tcan roll into upcoming program. after today draft action plan for 30 day comment period and brought back to Council.

Mayor Morales opened the public hearing at 10:56 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Love wanted to say to Cantu job well done thanked him cantu for hard work and patience for all eyars worked on it. very pleased with work. Morales when is video recognition coming out. Probably July

25. At approximately 10:33 A.M. hold a public hearing and consider an annexation of the

property on a request by Younger Partners, Ltd #2 being a 16.90-acre tract of land out of Section 8, Block 40, T-2-S, T&P RR Company Survey, Midland County, Texas. (Generally located on the southwest corner of the intersection of Wright Drive and Loop 40.) (DEVELOPMENT SERVICES)

Jim Compton request by younger partners to request annexation on 16.9 tract of land on loop 40 and wright drive. no action necessary first of two ph second one tomorrow. no letters of opposition.

Mayor Morales opened the public hearing at 10:58 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

26. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by Pravin Patel for a zone change from PD, Planned District for a Shopping Center to O-2, Office District on a 1.94-acre tract of land and from PD, Planned District for a Shopping Center to O-2, Office District on a 4.25-acre tract of land, all out of Section 6, Block 39, T-2-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the east side of S. Loop 250 West, approximately 400 feet north of W. Wall Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9276

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.94-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN O-2, OFFICE DISTRICT; BY PERMITTING A 4.25-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN O-2, OFFICE DISTRICT; SAID TRACTS BEING OUT OF SECTION 6, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH LOOP 250 WEST, 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

Jim Compton request for zone change on property zoned pd for sc requesting proposed o-2 office district. associated plat to subdiv prop into 4 lots. request is to allow for greater height for hotel. the o-2 does allow hotels. limited retain allow for 7 stories. located at loop 250 and business 20 approp loc for I-2 zoning. one letter of opposition with no basis for opposition. p7z rec 7-0 on may 5 and concur with recommendation.

Mayor Morales opened the public hearing at 11:01 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. 9276.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9276 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Lacy zoning is appropriate for area. It is their intention backs up to city park will be voting this down and encouraged others to keep as is.

Lacy since 2011 added 1700 rooms to market majority in district 4 by sports complex. need to build out what currently permitted and see how it affects the market. need to get a handle on this. envision shopping center they were required to do certain facade because of entrance into a park. think it should stay same plenty of people moving to midland plenty of hotels.

Love understand concerns about zoning location but hesitant about telling anyone what he can and can't do with property. Sparks he bought with that zoning. Love don't want to get into the business saying we don't want a hotel. Jim this planned district in district subject to plan review and can have hotel of 2 stories.

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

27. At approximately 10:39 A.M. hold a public hearing and consider an ordinance on a request by Los Conchos Ventures, LLC for a zone change from TH, Townhouse District to a PD, Planned District for a Housing Development on all of Blocks 20 and 21, Greathouse Addition, Section 7, City and County of Midland, Texas. (Generally located on the east side of Deer Run Avenue, approximately 650 feet north of Hilltop Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9277

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING BLOCKS 20 AND 21, GREATHOUSE ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED TH, TOWNHOUSE DWELLING DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE EAST SIDE OF DEER RUN AVENUE, APPROXIMATELY 650 FEET NORTH OF HILLTOP DRIVE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Jim want to develop to reduce front yard set back from 20 feet to 15 feet which is common set back in other communities staff supports?? 11:07 a.m.

Mayor Morales opened the public hearing at 11:07 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. 9277.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9277 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.

28. At approximately 10:42 A.M. hold a public hearing and consider an ordinance on a request by 8086, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a Lounge or Nightclub, on a 14,292 square foot portion of Lot 1, Block 2, Grandridge Park Addition, Section 1, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Holiday Hill Road and League Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9278

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 14,292 SQUARE FOOT PORTION OF LOT 1, BLOCK 2, GRANDRIDGE PARK ADDITION, SECTION 1, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF HOLIDAY HILL ROAD AND LEAGUE DRIVE), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A LOUNGE OR NIGHTCLUB FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Jim Compton gave a brief overview of the item noting located Holiday Hill Road and League Drive. zoned pd for sc site plan already approved. request to sell alcohol beverage on north tip of property. Proposed business max seating 250 seats. max floor area 10620 sq ft a portion on outdoor patio. 11-2 a.m. daily council determined prev and approp located within a shopping center no church school within ?? feet. P&Z rec unan no written opposition staff concur with commission approval. Love is change made just on hatched area? Jim yes

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

Robert Rendall 550 W Texas Suite 800 on behalf of 8086 llc which will be tenant little woodrows resw taraunt pssed out sample of menu and food because food sales will not reach 60% will require listen 11:12. size of outdoor area will not have that many people out there such as alumni group can serve on outdoor facility. available to answer questions. Rendall around 15-20 years originated in Houston more mature version of original Woodrows. Just opened in San Antonio Midland 4th City with Little Woodrow. houston, san antonio and Austin.

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

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9278.

Council Member Love moved approval of the first of two readings of Ordinance No. 9278 in accordance with the Charter of the City of Midland; 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.

29. At approximately 10:45 A.M. hold a public hearing and consider an ordinance on a request by The Olive Boat dba Bill's Bistro for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a Restaurant, on a 3,054 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of W. Loop 250 North and N. Garfield Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9279

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,054 SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF WEST LOOP 250 NORTH AND NORTH GARFIELD STREET), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Jim Compton gave a brief overview of the item noting located loop 250 garfield next to wine rack. proposal bills bistro wish to sell alcohol. limited to 820 sq ft with 66 seats 11 a.m. 11 p.m. Council determ shopping loc approp loc for sal eof alco. P7z may 5 no opposition concur by staff.

Mayor Morales opened the public hearing at 11:16 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9279.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9279 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.

30. At approximately 10:48 A.M. hold a public hearing and consider an ordinance on a request by Justin Serfass for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a Lounge or Nightclub, on a 5,009 square foot portion of Lot 11, Block 11, The Village Addition, City and County of Midland, Texas. (Generally located on the northwest corner of Andrews Highway and W. Wall Street, approximately 300 feet south of Illinois Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9280

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE

PROPERTY DESCRIBED AS A 5,009 SQUARE FOOT PORTION OF LOT 11, BLOCK 11, THE VILLAGE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF ANDREWS HIGHWAY AND WEST WALL STREET, APPROXIMATELY 300 FEET SOUTH OF ILLINOIS AVENUE), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A LOUNGE OR NIGHTCLUB FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Jim Compton gave a brief overview of the item noting applicat has requested the app b ewithdrawn.

31. At approximately 10:54 A.M. hold a public hearing and consider a resolution on a request by Midland Restaurants, Inc. dba The Bar for a Temporary Land Use Permit for an Outdoor Amusement Function, on Lots 7 through 9, Block 6 and a 150 foot section of the 100 block of S. Carrizo Street, Original Town, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of S. Carrizo Street and W. Missouri Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 171

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN OUTDOOR AMUSEMENT FUNCTION ON LOTS 7-9, BLOCK 6, AND A 150 FOOT SECTION OF THE 100 BLOCK OF SOUTH CARRIZO STREET, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH CARRIZO STREET AND WEST MISSOURI AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Planning Division Manager Jim Compton gave a brief overview of the item noting annual request from theBar for outdoor event. occur sat june 28 from t p.m. to midngiht. will involve closing carizzo between wall missour. will have cert peace foficers protable restrooms, approved barricade plan staff rec approval.

Mayor Morales opened the public hearing at 11:19 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Sparks moved to adopt Resolution No. 2014 - 171; 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.

32. At approximately 10:57 A.M. hold a public hearing and consider a resolution on a request by Anita Hidrogo for a Special Temporary Permit for a Manufactured Home based on a medical hardship condition, on Lot 7, Block 9, East Midland Subdivision, City and County of Midland, Texas. (Generally located on the northeast corner of the

intersection of E. Walnut Lane and Madison Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 172

RESOLUTION AUTHORIZING A TEMPORARY SPECIAL PERMIT FOR A MANUFACTURED HOME ON LOT 7, BLOCK 9, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF EAST WALNUT LANE AND MADISON STREET)

Planning Division Manager Jim Compton gave a brief overview of the item noting request for special temp permit for mfg home madison walnut. allows mfged home normally not allowed. there is existing house on property. lot contains 7013 sq ft and mobile home 672 sq ft. letter from physician that needs to live close to family for medical reason. one issue is front yard and have existing accessory bldg set back 8 feet from lot line. this case because of existing setbacks. since temp condition staff has no object sent out public notice no letters of opposition 11:21 a.m. medical hardship reasons.

Mayor Morales opened the public hearing at 11:22 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2014 - 172; seconded by Council Member Dufford.

Sparks set back is 5 feet and is that from front of property typically 20 feet. Sparks not going to be traffic hindrance of site problem. Jim no traffic hazard.

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

MISCELLANEOUS

33. Consider an ordinance amending Title XIII, "Airports", Chapter 5, "Prohibited and Regulated Parking Zones", of the City Code of the City of Midland, Texas, to establish new rates or fares for the public parking areas at Midland International Airport. (AIRPORTS)

ORDINANCE NO. 9281

AN ORDINANCE AMENDING TITLE XIII, "AIRPORTS", CHAPTER 5, "PROHIBITED AND REGULATED PARKING ZONES", SECTION 5, "PUBLIC PARKING CHARGES", OF THE CITY CODE OF MIDLAND, TEXAS; ESTABLISHING NEW RATES OR FARES FOR THE PUBLIC PARKING AREAS AT THE MIDLAND INTERNATIONAL AIRPORT; 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

Justine Ruff asst airports director available for questions.

Sparks on item B is it typo that 145 hours instead of that is previous typo. yes.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9281.

Council Member Love moved approval of the first of two readings of Ordinance No. 9281 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.

34. Approved a motion on a proposed preliminary plat of Westridge Park, Section 29, being a replat of Lot 3, Block 9, Westridge Park Addition, Section 25, City and County of Midland, Texas. (Generally located on the west side of Tradewinds Boulevard, approximately 400 feet south of Legends Boulevard.) (DEVELOPMENT SERVICES)

Planning Division Manager Jim Compton gave a brief overview prel plat that requires council approval. developer is propsoing to put 4 platted lots on property and balance is common area which requires council approval and willbe maintained by hoa. p7z approved subhject to cond abc and rec occur may 5 staff concurs with rec. property owners locations. jim still associ of people who own property but no housing. Love looking at that seems more common area then actual ltos seems like waste of space but that is what developer wants to do. Jim if hav eproperty about 25% is used for floor and rest parking and setbacks for office 40%. this will be office. now makes sense.

Council Member Sparks moved to approve a motion on a proposed preliminary plat of Westridge Park, Section 29, being a replat of Lot 3, Block 9, Westridge Park Addition, Section 25, City and County of Midland, Texas. (Generally located on the west side of Tradewinds Boulevard, approximately 400 feet south of Legends Boulevard.); 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.

35. Consider an ordinance on a request by James Isbell for a zone change from AE, Agriculture-Estate District to a 44.61-acre tract of PD, Planned District for a Housing Development and a 33.99-acre tract of 1F-2, One-Family Dwelling District. All out of Section 1, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Soloman Lane, approximately 950 feet east of North Big Spring Street). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9272

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 44.61-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; BY PERMITTING A 33.99-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A 1F-2, ONE-FAMILY DWELLING DISTRICT; SAID TRACTS BEING OUT OF SECTION 1, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF SOLOMON LANE, APPROXIMATELY 950 FEET EAST 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

Development Services Director Chuck Harrington gave a brief overview of the item noting request had discussion at last meeting and Mayor asked for time to visit with applicants. as result of mkeeting making changes and asked to defer to June 17.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9272.

Council Member Lacy moved to defer to June 17 Council Meeting ; 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.

36. Consider an ordinance amending Title V, "Business Regulations", of the City Code of Midland, Texas, by establishing Chapter 11, "Credit Access Businesses." (CITY ATTORNEY'S OFFICE)

ORDINANCE NO. 9274

AN ORDINANCE AMENDING TITLE V, "BUSINESS REGULATIONS", OF THE CITY CODE OF MIDLAND, TEXAS, BY ESTABLISHING CHAPTER 11, "CREDIT ACCESS BUSINESSES", SO AS TO ESTABLISH A PROGRAM TO REGISTER AND REGULATE CREDIT ACCESS BUSINESSES WITHIN THE CITY OF MIDLAND; THESE CREDIT ACCESS BUSINESSES ARE COMMONLY KNOWN AS "CASH ADVANCE LENDERS", "PAYDAY LENDERS", AND "AUTO TITLE LENDERS"; PROVIDING FOR A FEE OF TWENTY-FIVE DOLLARS (\$25.00); PROVIDING FOR ENFORCEMENT BEGINNING ON SEPTEMBER 1, 2014; NEGATING AND DISPENSING WITH THE CULPABLE MENTAL STATE REQUIREMENT; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); SETTING FORTH AN APPEAL PROCEDURE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE; AND THE CITY COUNCIL FINDS IT TO BE IN THE PUBLIC INTEREST TO MAKE CERTAIN AMENDMENTS TO THE MIDLAND CITY CODE SO AS TO REGULATE CREDIT ACCESS BUSINESSES IN AREAS WHERE CHAPTER 393 OF THE TEXAS FINANCE CODE IS SILENT OR DOES NOT PREEMPT SUCH REGULATIONS

First Assistant City Attorney John Ohnemiller gave a brief overview of the item noting proposed ord that reg credit access business. Discussed once previously at prior and last meeting the first reading was deferred until today. so tdoay first reading. reviewed area ord would regulate between last meeting and today Mayor set with several folks in industry. Ord requies business to submit applicant and receive cert to operate. places certain loan restrictions, requires business to determine the consumers income through various alternatives set forth in ord. sets restrictions on number of payments, restricts amount of credit tha cna be ext and imposes requirements tha tubusiness maintain certain records that city of code enf or polaiice officers cna request to review. enforcement prov creates fine up to \$500 for non complinace and location provision existing bus grandfatehred new bus cannot move within 1000 feet of existing bus. effective date is september 1 of this year. Robnett is Sept 1 plenty of time. John kept mvoing effective dat eback and feel it will be enought itme to enforce ord. Robnett was ind rafted similar to another ord? John TML came up with form ord that circulated

among cities. Myaor morales asked coa to draft. not identical but simkilar. Mayor does this reg fees or rates. John does not regulate fees but does regulates amount can extend to consumers based on person income or collateral and limits amouhnt of time can refinance or renew a loan so can't constantly renew same loan or refinance loan. Morales in research hve found this group already reporting to state. we're just adding one or two requiresments. John required to submit quarterly to state. expect a lot of overlap between state and what city is requesting. Love have concern about number of payments. visited with Mr. Lasater on phone. If he needs to borrow \$1000 for mergency and limiting to pay back in 4 payments have to come up with \$250 for each payment and seems challenging for someone who needs the money. Understand what trying to do might be restrictive has that been considered. John met with Mr. Lasater philosophical difference between him and others in the business. Have to draw line somewhere and both sides are going to think lines should be different. in proposed ord had to come up with wha treasonable. Love what about different payment structure for amounts over certain demon. John council can amend ord. Sparks do we have time limit between payment? is there anythign that says weekly/month/etc. Sparks if have probelm with \$250 can actually neg a longer payment structure still limited to 4 payments that would address concern. Morales hshouldn't allow more time because would get further in debt. Lacy any other cities did 4 instlalments. John one other city compromise that went up to more than 4 payments but not sure. 4 been typical. Sparks that is pretty typical of what is being done. Morales there is not set ending date so can extend payment over however long need to have. Sparks very similar to what happens with o7g permit. O&G heavily regulated to state but when comes into city limit have additional things expect from industry. Love attempting to enact to try to help but might be hurting people that trying to help by preventing their access to credit and making it mroe restrictive. Assume run s respectable business but concern is business that don't run respectable a lot of unknowns and gray area as to how impact people. Mayor have to start somewhere can amend in fture. This is a great start. Love asked Mr. Lasater to comment and communicate.

Lacy do you have number of payment sin mind. Love if it situation where needed \$1000 andmake it pay back in 4 payments might be challenging to do that. :acu of get ;pam jhave to make at elast \$5000 month and can take longer than 4 weeks to pay. can be 4 monthly payments.

Andy Lasater, Odessa, certainly need for more conversation. created an outline for council as to what going through. would like to go back to basis of ordinance. drawn heavily based on info gathered from 2012. Industry had just begun regulation. in 2012 reg by stat eof texas. most of data that supports ord. the basis is based on old info as compared to what can get. if spend time visiting with various companies. been reporting numbers since 2012. one of hot topics is number of times allowed to refinance. His data in 2013 in closed loans. 18% refinance loans 0 times. 27% refinanced 1 time. 42% refinanced between 2-4 times. 9% refinanced 5-6 times. 2.4% refinanced line 7-10 times. 1.6% refinanced over 10 times. If look at overall averages is 3.16 times a customers refinance loan on average. Keith 87% of customers would not be affected by ordinance. Andy no sir. Most customers have unique set of needs and circumstances. Customerneeds to borrow \$1,000 but has means to pay back in 4-5 months before taxes. This person wants to ride loan for acouple of months and \$200 month month 2 pays \$200 ultimately pay lump sump of loan off with future income heknows is coming. not forced to pay principal down by 25% forces to pay principal down by 25% so doubles payment. If customer wants to borrow 300 normal fees is

\$60. if customer has option to pay more to pay loan down or they can ride loan again and at some point pay loan off by their choosing. If customer comes in on day one and pay \$60 fee plus \$75 but a lot of money who do business at store. \$1000 loan min fee may be \$200 but now has to come in with extra \$250 because ordinance mandates he pays down. Haven't researched to many of 3,000 customers. Morales how do you prevent them from having recurring loans. Andy we prevent because careful. should slow down. Morales if don't enact could have 25 more of these type of businesses in midland. Mayor 87% already follow now 87% who use product force them to come in double payment. Lacy pay compounded monthly why can't do that. Andy different type of business. High risk and unique circumstances customers typically have urgent need for cash now or utilities got cut off. typical fee is 20%. Effectively you limit payments. Love concern is high fees that equates to a higher interest rate allowed by statute. if someone borrow \$1000 and effectively pay off in 5 months that 100% interest that's the problem. Mayor be enacting helping keep some out of here and allow those who do well pick up larger portion of business. andy when publications come out and say 240% apr and number of months pay loan off. apr and say banks charged thousands of percent apr because of bank overdraft fees had 4-5 one time charged \$35 on \$6 overdraft. Morales if that were good customer to bank who has had outstanding credit so allowed overdraft on terms they reached but stopping point. Mayor will give another minute to wrap up. If want to enact based on what Texas need to save ordinance more asking to delay ordinance defer so can gather greater info 3000 customers that will be devastated when mayor and council says have to double payment. roughly 25 companies great service with companies for council a lot of info can study before jump off. Dufford now problem with following lead of 16 other cities in Texas and said this would happen and need to draw line.

Morales appreciate time working with him and understanding industry views. Love one question said would result in increase defaults. existing loans would grandfather any new loan would have new procedures. Keith after Sept 1 so far as default that would not occur. Andy that is depend on how interpret when comes in.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9274.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9274 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.

37. Approved a motion making appointments to Midland Football-Soccer and Baseball Complex Development Corporation, Midland-Odessa Urban Transit District Board, Planning and Zoning Commission; and consider motions appointing individuals to all other Boards and Commissions.

no appointments.

EXECUTIVE SESSION

adjourn 12:02 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 551.071, Consultation with the City Attorney

b.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.

b.2. Discuss legal issues related to Chapter 2007 of the Texas Government Code.

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