

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

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on July 08, 2014.

Council Members present: Mayor Jerry F. Morales, Council Member Scott Dufford (At-Large), Council Member Spencer Robnett (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 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., July 08, 2014.

Council Members present: Mayor Jerry F. Morales, Council Member Scott Dufford (At-Large), Council Member Spencer Robnett (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 Robert Patrick.

The Agenda Items were heard in the following order:

OPENING ITEMS

10:00 a.m. cto

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

PRESENTATIONS

Catherine Clifton introduced summer interns.

Jerry presented National Night Out

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Introduction of City interns.
 - b. Presentation of Proclamation for National Night Out.

PUBLIC COMMENT

Phyllis Peek, 3122 Tealwood, pleased Energy Tower going to 2 buildings instead of one tall tower. Concern with underground parking and how safe it would be opportune time for crime. Other concern is if and when courthouse demolished will public have opportunity some of benches and items in courthouse to be used for another purpose.

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 Love moved to approve Consent Agenda items 5 - 28 excluding 5a, 5c, 9, 16, 20, 29; 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.

5. Approved a motion approving the following minutes:

- a. Special meeting of June 10, 2014.

Council Member Robnett moved to approve Special meeting of June 10, 2014. with amendment to include Robnett attendance.; 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.

- b. Regular meeting of June 17, 2014.

c. Special meeting of June 24, 2014.

Council Member Love moved to approve Special meeting of June 24, 2014.; seconded by Council Member Lacy.

spencer abstain.

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

6. Approved a resolution approving the purchase and installation of Enterasys network switches to facilitate the new ERP software installation from Solid IT Networks, Inc. through Department of Information Resources (DIR) contract #DIR-SDD-1878 for a total cost of \$112,944.56 for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2014 - 206

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE AND INSTALLATION OF ENTERASYS NETWORK SWITCHES, MODULES, ADAPTORS, INSTALLATION, AND TECHNICAL SUPPORT IN ORDER TO FACILITATE THE NEW ENTERPRISE RESOURCE PLANNING SOFTWARE INSTALLATION FROM SOLID IT NETWORKS, INCORPORATED, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$112,944.56; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A STATE OF TEXAS COOPERATIVE PROGRAM; AND THE CONTRACT WILL BE WITH SOLID IT NETWORKS, INCORPORATED

7. Approved a resolution approving the purchase and remote installation of datacenter servers, storage and licensing to facilitate the new ERP software installation from Dell, Inc. dba Dell Computer, Inc. through Department of Information Resources (DIR) contract #DIR-SDD-1951 for a total cost of \$148,269.43 for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2014 - 207

RESOLUTION APPROVING THE PURCHASE AND REMOTE INSTALLATION OF DATACENTER SERVERS, STORAGE AND LICENSING TO FACILITATE THE NEW ERP SOFTWARE INSTALLATION FROM DELL, INCORPORATED DBA DELL COMPUTER, INCORPORATED OF ROUND ROCK, TEXAS, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$148,269.43; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A STATE OF TEXAS COOPERATIVE PROGRAM.

8. Approved a motion authorizing the City Manager to negotiate and execute an agreement with Tyler Technologies, Incorporated for Software and Implementation Services for the Enterprise Resource Planning (ERP) System Project for the Communication and Information Systems Department; and appropriating funds. (PURCHASING)
10. Approved a resolution rejecting all proposals for the downtown development project for property described as Midland Executive Center, 301 N. Colorado Street, 0.451 acres, BLK: 027, LOTS: 07A, ORIGINAL TOWN ADDITION, SEC 3 and Mid America Building,

310 West Illinois Avenue, 0.448 ACRES, BLK: 027, LOTS: 13A, ORIGINAL TOWN ADDITION, SEC 3, City and County of Midland, Texas for the Downtown Development Department. (PURCHASING)

RESOLUTION NO. 2014 - 210

RESOLUTION REJECTING ALL REQUEST FOR PROPOSALS FOR DEVELOPMENT OF THE PROPERTY DESCRIBED AS LOTS 7A AND 13A, BLOCK 27, ORIGINAL TOWN ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (COMMONLY KNOWN AS 301 NORTH COLORADO STREET AND 310 WEST ILLINOIS AVENUE).

11. Approved a resolution approving a Professional Services Agreement with Freese and Nichols, Inc. for scheduling, website development and management for a total cost of \$48,500.00 for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2014 - 211

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FREESE AND NICHOLS, INC. FOR SCHEDULING, WEBSITE DEVELOPMENT, AND MANAGEMENT SERVICES; AND AUTHORIZING PAYMENT THEREFOR IN THE AMOUNT OF \$48,500.00; A REQUEST FOR QUALIFICATIONS WAS NOT ADVERTISED BY THE CITY OF MIDLAND FOR SAID SERVICES

12. Approved a resolution approving a Professional Services Agreement with Savant Group for Big Spring (TX 349) and Mockingbird Lane traffic signal design and intersection improvements for a cost not to exceed \$62,450.00 for the Engineering Department. (PURCHASING)

RESOLUTION NO. 2014 - 212

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH SAVANT GROUP, INC. FOR TRAFFIC ENGINEERING SERVICES RELATED TO THE DESIGN OF INTERSECTION IMPROVEMENTS, INCLUDING A FUTURE TRAFFIC SIGNAL, AT THE INTERSECTION OF BIG SPRING ROAD (TEXAS HIGHWAY 349) AND MOCKINGBIRD LANE; AND AUTHORIZING PAYMENT THEREFOR IN THE AMOUNT OF \$62,450.00

13. Approved a resolution approving a Professional Services Agreement with Savant Group for a roundabout traffic operational review for a cost not to exceed \$28,010.00 for the Engineering Department. (PURCHASING)

RESOLUTION NO. 2014 - 213

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH SAVANT GROUP, INC. FOR TRAFFIC ENGINEERING SERVICES FOR A ROUNDABOUT TRAFFIC OPERATIONAL REVIEW; AND AUTHORIZING PAYMENT THEREFOR IN THE AMOUNT OF \$28,010.00

14. Approved a resolution approving the sole source purchase of seventy-five (75) MSA brand self-contained breathing apparatuses (SCBA's) and accessories for the Fire Department. (PURCHASING)

RESOLUTION NO. 2014 - 214

RESOLUTION AUTHORIZING THE PURCHASE OF SEVENTY -FIVE (75)MSA

BRAND SELF-CONTAINED BREATHING APPARATUSES AND ACCESSORIES FROM CASCO INDUSTRIES, INCORPORATED, OF NEW DEAL, TEXAS, FOR THE FIRE DEPARTMENT; SAID PURCHASE WAS NOT BID BUT PURCHASED AS A SOLE SOURCE AT A TOTAL COST OF \$534,257.05

15. Approved a resolution approving the purchase of one hundred (100) 1.5 cubic yard refuse containers with lids, four (4) 35-40 cubic yard self-contained compactors and five (5) 30 cubic yard open top roll-off containers for the Solid Waste Department. (PURCHASING)

RESOLUTION NO. 2014 - 215

RESOLUTION APPROVING THE PURCHASE OF ONE HUNDRED (100) ONE AND ONE-HALF (1.5) CUBIC YARD REFUSE CONTAINERS WITH LIDS, FOUR (4) THIRTY-FIVE TO FORTY (35-40) CUBIC YARD SELF-CONTAINED COMPACTORS, AND FIVE (5) THIRTY (30) CUBIC YARD OPEN TOP ROLL-OFF CONTAINERS FROM ROLL-OFFS USA, INCORPORATED, OF DURANT, OKLAHOMA, AT A TOTAL COST OF \$127,682.00

17. Approved a resolution approving the issuance of a request for proposals for Target Area Housing Development for the Community Development Division. (PURCHASING)

RESOLUTION NO. 2014 - 217

RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS FOR TARGET AREA HOUSING DEVELOPMENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT DIVISION; AND THESE PROPOSALS SHALL BE FROM NON-PROFIT ORGANIZATIONS WHICH ARE DEVELOPING AFFORDABLE SINGLE FAMILY HOUSING.

18. Approved a resolution authorizing the execution of a Commercial Hangar Lease Agreement between the City of Midland, Texas and Paul Armstrong dba Skywest Aviation, Inc. (AIRPORTS)

RESOLUTION NO. 2014 - 184

RESOLUTION AUTHORIZING THE EXECUTION OF A COMMERCIAL HANGAR LEASE AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS AND SKYWEST AVIATION, INCORPORATED; THE LEASE WILL ALLOW SKYWEST AVIATION, INCORPORATED TO LEASE HANGAR S-14 AND TRACT 2-B LOCATED IN LOT 1A, BLOCK 13, INDUSTRIAL PARK REGIONAL AIR TERMINAL, UNIT 12, MIDLAND, MIDLAND COUNTY, TEXAS, GENERALLY KNOWN AS 2805 EARHART STREET, AT THE MIDLAND INTERNATIONAL AIRPORT; THE AGREEMENT TERM IS FOR FIVE (5) YEARS, COMMENCING ON JULY 9, 2014, AND TERMINATING ON MAY 31, 2019, AND MAY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL FIVE (5) YEAR TERM UPON 90 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

19. Approved a resolution approving the Hogan Park Tower Lease Agreement with GTP Towers IV, LLC. (CISD)

RESOLUTION NO. 2014 - 218

RESOLUTION AUTHORIZING THE EXECUTION OF A TOWER LEASE AGREEMENT WITH GTP TOWERS IV, LLC, FOR SITE SPACE INTENDED FOR CELLULAR TELECOMMUNICATIONS EQUIPMENT AND OPERATIONS AT HOGAN PARK; THE PROPERTY IS LOCATED IN THE CITY OF MIDLAND, TEXAS, BEING A 0.046-ACRE TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 13, BLOCK 39, T-1-S, T&P RR CO., SURVEY, CITY AND COUNTY OF MIDLAND COUNTY, TEXAS, AND BEING A PORTION OF HOGAN PARK; SAID LEASE AGREEMENT SHALL BE FOR A TERM OF FIVE (5) YEARS WITH A MONTHLY RENTAL OF \$2,500.00.

21. Approved a resolution authorizing a reallocation of certain Community Development Block Grant funds from previous program years to the Community Development Block Grant Fund Program Year 2014-2015 in the amount of \$193,223. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 220

RESOLUTION AUTHORIZING A REALLOCATION OF CERTAIN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FROM PREVIOUS PROGRAM YEARS TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND PROGRAM YEAR 2014-2015 IN THE AMOUNT OF \$193,223.00.

22. Approved a resolution authorizing the adoption of the City of Midland's 2014-2015 Action Plan to the Consolidated Plan for Community Development and Housing Funds for Fiscal Years 2011-2015 (October 2010 – September 2015); the Consolidated Plan was approved by Resolution Number 2010-197; and authorizing the execution of an application for Community Development Block Grant funds. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 221

RESOLUTION AUTHORIZING THE ADOPTION OF THE CITY OF MIDLAND'S 2014-2015 ACTION PLAN TO THE CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT AND HOUSING FUNDS FOR FISCAL YEARS 2011-2015; THE CONSOLIDATED PLAN WAS APPROVED BY RESOLUTION NUMBER 2010-197; AND AUTHORIZING THE EXECUTION OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

23. Approved a resolution authorizing the execution of a six-month Temporary Right of Way License with Dawson Geophysical Company, for seismic testing across City owned property in Section 8, Block X, H.P. Hilliard Survey, Midland County, Texas, and Section 36, Block 39, T-1-S, Martin County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 222

RESOLUTION AUTHORIZING THE EXECUTION OF A SIX-MONTH TEMPORARY RIGHT-OF-WAY LICENSE WITH DAWSON GEOPHYSICAL COMPANY, FOR SEISMIC TESTING ACROSS CITY-OWNED PROPERTY IN SECTION 8, BLOCK X, H. P. HILLIARD SURVEY, MIDLAND COUNTY, TEXAS, AND SECTION 36, BLOCK 39, T-1-N, MARTIN COUNTY, TEXAS

24. Approved a resolution authorizing the acceptance of a 1.09-acre public utility, water & wastewater easement from Mark Payne located in Section 1, Block X, H P Hilliard Survey for the purpose of constructing water and wastewater improvements; and

ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 223

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 1.09-ACRE UTILITY EASEMENT LOCATED IN SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY.

25. Approved a resolution authorizing the acceptance of a 0.77-acre public utility, water & wastewater easement from the Estate of Mary Weist, deceased, located in Section 19, Block 38, T 1 S, Texas & Pacific Railroad Company Survey for the purpose of constructing water and wastewater improvements; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 224

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.77-ACRE UTILITY EASEMENT LOCATED IN SECTION 19, BLOCK 38, T-1-S, T & P RR CO. SURVEY, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY.

26. Approved a resolution authorizing the execution of a Temporary Water & Sewer Service Agreement between the City of Midland and Pat Gray Body Works Inc. for services to an approximate 4.55-acre tract of land out of the northwest quadrant of Section 22, Block 40, T-1-S, Texas & Pacific Railroad Company Survey, Abstract 1391, City and County of Midland, Texas; said property is outside of the City limits; Pat Gray Body Works Inc. has executed a letter agreeing to annexation if and when the property is annexed; Pat Gray Body Works shall be charged a rate for service which is one and one half times the rate charged customers in the City limits; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 225

RESOLUTION AUTHORIZING THE EXECUTION OF A TEMPORARY WATER AND SEWER SERVICE AGREEMENT BETWEEN THE CITY OF MIDLAND AND PAT GRAY BODY WORKS, INC. FOR SERVICES TO AN APPROXIMATE 4.55-ACRE TRACT OF LAND OUT OF THE NORTHWEST QUADRANT OF SECTION 22, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, THE STREET ADDRESS OF WHICH IS 5201 NORTH COUNTY ROAD 1255; SAID PROPERTY IS OUTSIDE THE CITY LIMITS; PAT GRAY BODY WORKS, INC. HAS EXECUTED A LETTER AGREEING TO ANNEXATION IF AND WHEN THE PROPERTY IS ANNEXED; PAT GRAY BODY WORKS, INC. SHALL BE CHARGED A RATE FOR SERVICE WHICH IS ONE AND ONE-HALF TIMES THE RATE CHARGED CUSTOMERS IN THE CITY LIMITS; AND ORDERING RECORDATION BY THE CITY SECRETARY

27. Receive notification regarding no legal action filed pertaining to dilapidated structures per Ordinance No. 9261, approved on May 6, 2014. (DEVELOPMENT SERVICES)
28. Approved a resolution authorizing the acceptance of a 1.14-acre public utility, water & wastewater easement from the Wimberley Trust located in Section 1, Block "X", H.P. Hilliard Survey for the purpose of constructing water and wastewater improvements; and

ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 226

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 1.14-ACRE UTILITY EASEMENT LOCATED IN SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

9. Approved a resolution approving an annual contract for School Crossing Guard Services for the Administrative Services Department. (PURCHASING)

RESOLUTION NO. 2014 - 209

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH ALL CITY MANAGEMENT SERVICES, INCORPORATED, OF SANTA FE SPRINGS, CALIFORNIA, FOR SUPPLYING SCHOOL CROSSING GUARDS FOR THE 2014-2015 SCHOOL YEAR, AT AN ESTIMATED TOTAL COST OF \$461,030.00

Sparks pulled not opposed it is someone new from out of state for crossing guard. If unaware of economic boom is there contingency if unable to perform? Catherine would turn to next bidder. Made them aware and they said understand and had done research. They are present if have questions. ACMS from California. Harlin Simms marketing All City Management 10440 Pioneer Blvde SFS 90670. John Dodson operations mgr. Sparks prepared to take project on from start to finish for school year. Been doing 29 years serve 160 municipalities. texas, michigan new york california new mexico. Very available training and managing in their way. Employ over 3,000 crossing guards across nation in terms of successful implementation. Lacy are you looking at pay scale mcdonalds pays more. Intent to hire as many of existing crossing guards as possible. In term of current and a little bit over don't believe have any issues recruiting existing guards. Love did you think model would compete with Mcdonalds. Always look at demographics and is typically different than mcdonalds, looking at senior citizens or soccer moms.

Council Member Dufford moved to adopt Resolution No. NUMBER> with amendment to not reject all bids so can go to second lowest bidder if can't perform duties.; seconded by Council Member Love.

Dufford in favor but just in case also think need to amend contract to go to second lowest bid in event this group can't perform obligation don't object all bids.

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

16. Approved a resolution approving a Professional Services Agreement with Parkhill, Smith and Cooper, Inc. for design and engineering services for Fire Station 6 for the General Services Department; and appropriating funds. (PURCHASING)

RESOLUTION NO. 2014 - 216

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH AND COOPER, INCORPORATED OF MIDLAND, TEXAS AT AN AMOUNT NOT TO EXCEED \$461,000.00 FOR

PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR FIRE STATION SIX; SAID AMOUNT EXCLUDES ADDITIONAL SERVICES AND REIMBURSABLE EXPENSES; REJECTING ALL RESPONSES TO THE REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE DEMOLITION AND NEW EXPANDED CONSTRUCTION OF FIRE STATION FIVE; AND APPROPRIATING FUNDS

Lacy pulled to thank staff for moving quickly for relocation.

Council Member Lacy moved to adopt Resolution No. NUMBER>; 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.

20. Approved a resolution accepting \$400,000 from Concho Resources for the renovation of Fasken Park, to include playground equipment, lighting, and irrigation upgrades, and appropriating said funds to Project No. 9104. (COMMUNITY SERVICES)

RESOLUTION NO. 2014 - 219

RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO ACCEPT A DONATION IN THE AMOUNT OF \$400,000.00 FROM CONCHO RESOURCES FOR THE RENOVATION OF FASKEN PARK, SAID RENOVATION WILL INCLUDE PLAYGROUND EQUIPMENT, LIGHTING, AND IRRIGATION UPGRADES, AND APPROPRIATING FUNDS

Hotchkiss pulled thank for support of City Concho looking forward to go to park. Scott Kidwell dir of govt reg and public affairs for concho as look around Co ncho home and try to look at projects that will hav eimpact and think will imapct a lot of people. looking forward to working with everyone. Hotchkiss thanked. love thanked. vital piece of puzzle.

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

Mayor Concho tremendous asset to community appreciate efforts of employees and corp for what give bakc to Midland. Scott Kidwell 600 W Illinois. dufford appreciate too.

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

29. Approved a motion on a request by Schumann Engineering Co. Inc. for the Northview Addition Section 13 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 at the northeast corner of Midkiff Road and Bluebird Lane. (ENGINEERING SERVICES)

Sparks pulled dont agree with waiving of putting in sidewalk. Understand not sidewalks on north part of Bluebird on block but there are on south side and can't cross street and get back on sidewalk. midkiff north ha ssidewalks on same sid eof street. There is a

need for sidewalks. Traffic has gotten bad and a lot of walkers joggers in area. No problem waiving water collection but sidewalks are necessary. Sidewalk on Midkiff in front of? Jose it makes sense a lot more pedestrian uses in area. Bluebird nothing out there but will defer to Council. Have applicant and Engineer. Schumann Engineer is here and would like to have opportunity to speak to Council.

Ben Sanchez 408 N Pecos Schuman. platting for single family residence on 2 acres \$10,000 min to put sidewalk on Midkiff and Bluebird. As far as sidewalk concern dividing to north when get to greenbelt that is where it stops. In green belt there is master plan that previous council didn't want any improvements in greenbelt. Asking for deferral since is in the area. He was under impression that sidewalks weren't wanted in green belt. Sparks you misunderstood because sidewalks in greenbelt area. You said it for single family residence this says on behalf of Midwest glass and point. gen mgr is going to purchase lot but use it for his personal residence. Sparks he thought for a business for midwest glass. Jose Ortiz want to verify zoning is AE and will remain AE. Ben objection is expense of min of \$10,000. Dufford one thing used to do when came to sidewalks. Defer putting in immediately but once sidewalks went in they would be required to put in. Sparks already in area but don't adjoin property. Defer until someone else builds sidewalk and it never gets built. Morales at what point does sidewalks come. Jose when adjacent owner has sidewalks you want them. Jose sidewalk continuation along Midkiff would be appropriate. Sparks not continuous you would have. Jose can pull and ?? 10:34. Brandon Harring 1408 Davenport Midway on corner Bluebird and Midkiff currently the entire North side of bluebird not one sidewalk. The south side of bluebird has sidewalks in front of subdivided neighborhoods. About 09 Kyle McGraw built residence 3 lots down and was not required to put in sidewalks. If on coming down Midkiff in front of vet and cross street and got to lot if were sidewalk and continue to walk on it it stops at Beauchamp residence and no more sidewalk until quite a ways further north. If sidewalk on bluebird and midkiff it would be a sidewalk to nowhere because no one to adjoin. Sparks you've had benefit of finished streets so not having to pay for streets. would you consider paving Midkiff side? Brandon don't feel its needed. Sparks you don't walk it but he does. Brandon another residence being built by Midland Drive and he is not being required to have sidewalks involved. Morales where is participation. anything that is gap won't seek want to infill with ? 10:39 .m. Love what is intention of Midkiff heading north. Jose will connect with Craddick service road if not an interchange. Part of dedication plan is dedicate midkiff and bluebird dedication of row donating freely to com as part of process. Hotchkiss actual expense is \$21,450 you said \$10,000. app includes water sewer and others. Lacy if traffic would be required to have handicapped. Jose yes curb already there with depression for wheelchair access. Dufford sidewalks on southside of Bluebird. Dufford problem deferring is City will put in sidewalks and that is part of problem started saying no more deferrals of sidewalks. Jose midkiff will likely have sidewalks but Bluebird would not. Dufford can defer Bluebird but require Midkiff side. Brandon understand with future plans then it is now will but existing homeowners that are already established on both sides of Midkiff will they be required to install sidewalks. Morales if do any improvements they would be forced. Jose certain improvements if add to structure or introduce driveway have to incorporate.

Council Member Sparks moved to approve a motion on a request by Schumann Engineering Co. Inc. for the Northview Addition Section 13 to approve items requested for deferral, and to discount the associated construction costs by an amount equal to the full cost of construction. with amendment to defer sidewalk on Bluebird side and sewer

but require sidewalk on Midkiff side of property; seconded by Council Member Love.

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

SECOND READINGS

30. 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 Solomon Lane, approximately 950 feet east of North Big Spring Street). (DEVELOPMENT SERVICES) (First reading held on June 17, 2014)

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9272.

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

Lacy is everything okay with verbage. keith yes.

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

31. Consider an ordinance on second reading on a request by D. R. Horton, Texas, Ltd. for a zone change from 1F-2, One-Family Dwelling District to a 1F-3, One-Family Dwelling District on Block 9, Lots 1A through 14A, Block 10, Lots 7 through 22, Block 11, Lots 7 through 10, Block 12, Lots 7 through 10, Adobe Meadows, Section 6, City and County of Midland, Texas (Generally located on the intersection of East San Francisco Avenue and Baca Street, 350 feet east of Magellan Street.) (DEVELOPMENT SERVICES) (First reading held June 17, 2014.)

ORDINANCE NO. 9283

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY

PERMITTING LOTS 1A-14A, BLOCK 9, LOTS 7-22, BLOCK 10, LOTS 7-10, BLOCK 11, AND LOTS 7-10, BLOCK 12, ADOBE MEADOWS ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE INTERSECTION OF EAST SAN FRANCISCO AVENUE AND BACA STREET, APPROXIMATELY 350 FEET EAST OF MAGELLAN STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9283.

Council Member Lacy moved to approve the second and final reading of Ordinance No. NUMBER> 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks, Morales.

32. Consider an ordinance on second reading on a request by Real Property Resources / Lone Star Trails for zone change from PD, Planned District for an Housing Development District to an Amended Planned District on a 302.19-acre tract of land out of Section 12, Block 39, T-1-S, T&P RR Company Survey, City and County of Midland, Texas (Generally located on the east side of State Highway 349, approximately 840 feet north of Arapahoe Road.) (DEVELOPMENT SERVICES) (First reading held June 17, 2014.)

ORDINANCE NO. 9284

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 302.19-ACRE TRACT OF LAND OUT OF SECTION 12, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT WHICH SHALL COMPLY WITH CITY OF MIDLAND ORDINANCE NO. 9223 AND A REVISED SITE PLAN (GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 349, APPROXIMATELY 840 FEET NORTH OF ARAPAHOE ROAD); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9284.

Council Member Lacy moved to approve the second and final reading of Ordinance No. NUMBER> 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks, Morales.

33. Consider an ordinance on second reading on a request by Oilfield Fishing Rental, LLC for the vacation of the public right-of-way, a 20 foot alley out of the unrecorded Carol Crest Addition, Section 1, Block 39, T-2-S, T&P RR Company Survey, City and County of Midland, Texas (Generally located on the east side of Henderson Boulevard 200 feet south of Garden City Highway.) (DEVELOPMENT SERVICES) (First reading held June 17, 2014.)

ORDINANCE NO. 9285

AN ORDINANCE VACATING AND ABANDONING A 0.09-ACRE PORTION OF ALLEY RIGHT-OF-WAY OUT OF THE UNRECORDED CAROL CREST ADDITION, SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF HENDERSON BOULEVARD, APPROXIMATELY 200 FEET SOUTH OF GARDEN CITY HIGHWAY); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$2,477.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9285.

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

Hotchkiss question for Engineer how will affect the other lots and City Services? Jose Ortiz currently no one using alley and they are occupying the alley at this point there has been no use or need.

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

34. Consider an ordinance on second reading on a request of the annexation of 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) (First reading held June 17, 2014.)

ORDINANCE NO. 9286

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 16.90-ACRE TRACT OF LAND 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); AND APPROVING A PUBLIC SERVICE PLAN

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9286.

Council Member Lacy moved to approve the second and final reading of Ordinance No. NUMBER> 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks, Morales.

35. Consider an ordinance on second reading on a request by Younger Partners, Ltd. on an initial zoning for a 5.47-acre tract of land to LR-2, Local Retail District and an 11.43-acre tract of land to IP-2, Industrial Park District, on 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) (First reading held June 17, 2014.)

ORDINANCE NO. 9287

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 5.47-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN LR-2, LOCAL RETAIL DISTRICT; ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING AN 11.43-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN IP-2, INDUSTRIAL PARK DISTRICT; SAID TRACTS ARE GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF WRIGHT DRIVE AND LOOP 40; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9287.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. NUMBER> 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks, Morales.

36. Consider an ordinance on second reading on a request by Vineyard Reserve, LLC. c/o Buck Benson #1 for the vacation of the 0.017-acre public right-of-way out of Sandstone Drive, Block 1, Vineyard Addition, Section 3, City and County of Midland, Texas (Generally located on the west side of Sandstone Drive, approximately 1900-feet north of Sherwood Drive.) (DEVELOPMENT SERVICES) (First reading held June 17, 2014.)

ORDINANCE NO. 9288

AN ORDINANCE VACATING AND ABANDONING A 0.017-ACRE PORTION OF SANDSTONE DRIVE RIGHT-OF-WAY ADJACENT TO BLOCK 1, VINEYARD ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SANDSTONE DRIVE, APPROXIMATELY 1,900 FEET NORTH OF SHERWOOD DRIVE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$46.31; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9288.

Council Member Robnett moved to approve the second and final reading of Ordinance No. NUMBER> 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

37. Consider an ordinance on second reading on a request by Vineyard Reserve, LLC. c/o Buck Benson #2 for the vacation of the 0.016-acre public right-of-way out of Sandstone Drive, Block 1, Vineyard Addition, Section 3, City and County of Midland, Texas (Generally located on the west side of Sandstone Drive, approximately 1100-feet north of Sherwood Drive.) (DEVELOPMENT SERVICES) (First reading held June 17, 2014.)

ORDINANCE NO. 9289

AN ORDINANCE VACATING AND ABANDONING A 0.016-ACRE PORTION OF SANDSTONE DRIVE RIGHT-OF-WAY ADJACENT TO BLOCK 1, VINEYARD ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SANDSTONE DRIVE, APPROXIMATELY 1,100 FEET NORTH OF SHERWOOD DRIVE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$43.58; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9289.

Council Member Robnett moved to approve the second and final reading of Ordinance No. NUMBER> 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

38. Consider an ordinance on second reading on a request of vacating and abandoning a 20 foot alley located in Block 30, Original Town Addition and Homestead Addition, City and County of Midland, Texas (Generally located east of Carrizo Street and between West Ohio Avenue and West Illinois Avenue); Adopting the appraisal by the City Manager of \$12,000.00; Authorizing the execution of a Quitclaim Deed; Authorizing the execution of a Utility Relocation Agreement; Authorizing the execution of of a revocation of a portion of a Joint Alley Use License Agreement; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (First reading held June 17, 2014.)

ORDINANCE NO. 9290

AN ORDINANCE VACATING AND ABANDONING A 20-FOOT ALLEY LOCATED IN BLOCK 30, ORIGINAL TOWN ADDITION AND HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED EAST OF CARRIZO STREET, BETWEEN WEST OHIO AVENUE AND WEST ILLINOIS AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$12,000.00; AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED WITH COG REALTY LLC, A TEXAS LIMITED LIABILITY COMPANY AUTHORIZING THE EXECUTION OF A UTILITY RELOCATION AGREEMENT; AUTHORIZING THE EXECUTION OF A REVOCATION OF A PORTION OF JOINT ALLEY USE LICENSE AGREEMENT; AND THE ORIGINAL LICENSE AGREEMENT WAS DATED JANUARY 25, 1983 AND FILED FOR RECORD UNDER VOLUME 720, PAGE 465 OF THE DEED RECORDS OF MIDLAND COUNTY, TEXAS AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9290.

Council Member Lacy moved to approve the second and final reading of Ordinance No. NUMBER> 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

39. Consider an ordinance on second reading on a request by Duke Edwards for the vacation of the 0.031-acre portion of West Louisiana Avenue adjacent to Lot 5, Block 29, Homestead Addition, City and County of Midland, Texas (Generally located on the southeast corner of the intersection of North Big Spring Street and West Louisiana Avenue.) (DEVELOPMENT SERVICES) (First reading held June 17, 2014.)

ORDINANCE NO. 9291

AN ORDINANCE VACATING AND ABANDONING A 0.031-ACRE PORTION OF WEST LOUISIANA AVENUE RIGHT-OF-WAY ADJACENT TO LOT 5, BLOCK 29, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST LOUISIANA AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$4,056.01; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9291.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. NUMBER> 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

PUBLIC HEARINGS

40. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Meadowpark Homeowners Association for a zone change from PD, Planned District for a Housing Development to an Amended Planned District on the 1.33-acre tract of land located on the Common Area-F, Block 2, Meadowpark Addition, Section 2, and the 0.47-acre tract of land located on the Common Area-K, Block 3, Meadowpark Addition, Section 4, City and County of Midland, Texas (Generally located northeast of the intersection of North "A" Street and Meadowpark Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9292

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.04-ACRE TRACT OF LAND AND A 0.29-ACRE TRACT OF LAND LOCATED ON THE COMMON AREA-F, BLOCK 2, MEADOWPARK ADDITION, SECTION 2, AND A 0.47-ACRE TRACT OF LAND LOCATED ON THE COMMON AREA-K, BLOCK 3, MEADOWPARK ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A

HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED AT THE INTERSECTION OF NORTH "A" STREET AND MEADOWPARK 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

Development Services Director Chuck Harrington gave a brief overview of the itme noting unique request originally planned district for housing platted with 17 acres of open space. What occured over time is upkeep of open space and upkeep of streets and parkland has impacted the howoners assoc. proposing to take open area and convert into lots and sell to builder who will put homes on thsoe. Received approval from their HOA. They will be moving playground to another location and will help their funding issues. The P&Z rec approval of request June 16. staff received 3 letters of opposition and a letter in support of it. staff rec approval of request.

Mayor Morales opened the public hearing at 11:46 a.m. 11:46 a.m.

Ben Sanchez 408 N pecos ?? talking about TIRZ this is for HOA to do same thing with neighborhood . Dufford 75% voted in favor of super majority. they can do if approve today.

Charlie Morgan 609 Meadowpark drive.I current president of bod. just tell yes did have vote of membership received supermajority vote. if don't mind have contingency in support and asked them to be recognized. it has been eluded to neighborhood saddled with tremendous infrastructure so changed 2-2 times. quitefrankly struggle to take care of bussiness. major opportunity have builder in place, escrow money in bank and letter of intent. Morales once past this point and think can sustain, charlie who knows for sure but problem at hand is nature of deterioration to amenities 3,000 feet of wrought iron and wooden ences tennis court disarray not fixable neighborhood. can't tell can handle form ehre on out but handle buest with funds generated from sale make improvements and move water lines and remainder into future account for expenses in future. feel good about and 75% agreed appreciate help.

Street Tylor 4901 ?? 11:50 live property adjoining object maintly main street lot rezone. others agree with. appriased 3-04 years ago. theres a go back in voted up so couple fre votes on rpcoess. concern green space midland i not flush with greens pace. directing comments to A street. lots in middle we are cash poor as hoa raised dues and need more money. think board stated that \$250,000 of sale of all lots \$50,000 in reserve for future. if didn't develop A Street still have neough \$ for current requirements just not reserve fund. See cluster of trees at entrance in eltter of protest included photo of trees and fence behind houses seperate from A make sure repair and maintian. Look at entrance big trees and developer can do whatever want. As option thre room for loft without impacting berms and trees. Lastly noted in paper jane Wolf calle dout meadow park and she said got to bounce a lot of factors maybe design of neighborhood mroe important for size cncern imapct appeal of neighborhood. Morale spreserve trees and berm and make sure fence is improved.

Brad Swendig 4900? King?? , favor of this spent several years and looked at with alot of differnet people to come up with design. I would like tos ee front lot stay in group

because it is the entrance. Sold lots on south side and it looks really nice. north side is common ground weeds poorly maintained to have a nice house on north side enhances neighborhood and eliminates need for fence work because house will be there.

charlie fence that runs along there will always be a safety barrier there. Some will be down during construction process regardless of whether put house there. Brad addressed right across street in 1997 replatted some ground and built beautiful homes and plan to do same thing right across front and may need to move berm or tree but working with builder. builder is build that built last remaining 8 lots in meadow park. feel great addition to neighborhood. mayor asked if would meet again for community to approve. Charlie good idea. Mayor offered to have a Council Member present.

There being no one else wishing to speak, the public hearing was closed at 11:59 a.m.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9292.

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

Morales this will be first of two readings. hope can come to compromise and reso.

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

41. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by Dusty Evans for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption in a winery, for a 4.72-acre Vineyard located on Section 8, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the west side of North Midkiff Road, approximately 700 feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9293

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4.72-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 700 FEET NORTH OF MOCKINGBIRD LANE), 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 WINERY 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

Love opened Morales left dais.

chyuck harrington zoning case for lr2 for winery. requesting sup for alcoholic beverage on prem cons. will have approx 27,550 sq ft of total 4950 sq ft outside. based on sq

footage and determined max seating 334 seats wine testing and event center parking 121 spaces already proving 124 spaces. 11 am 9 m-h 11 12 fr sat and 12-6 on sun. staff reviewed along with p7z rec approval of request.

Mayor Pro Tem Love opened the public hearing at 12:03 a.m.

Dusty evans 3502 Mockingbird, couldn't 1quite hear any opposition. chuck no opposition dont have specific time frame for starting construction but want ot get paperwork in order and tkae it from there.

There being no one else wishing to speak, the public hearing was closed at 12:03 p.m.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9293.

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

Morales returned 12:04 ;p.m.

Lacy have acquired proper row for Midkiff in area? Jose Ortiz as long as meeting code requirements they will be fine. Jose far enoguh from Mockingbird don;t need.

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

42. At approximately 10:39 A.M. hold a public hearing and consider an ordinance on a request by Texsanj, LLC / Tilted Kilt for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a lounge or nightclub, on Lot 1, Block 11, Westridge Park Addition, Section 27, City and County of Midland, Texas (Generally located southwest of the intersection of Tradewinds Boulevard and Deauville Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9294

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 11, WESTRIDGE PARK ADDITION, SECTION 27, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND DEAUVILLE BOULEVARD), 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

Development Services Director Chuck Harrington gave a brief overview of the item noting requesting for sup alco for on prem consumption for lounge. lounge required for this type of activity can't meet 60 % food service mroe bar type grill commonly operating

name Tilted Kilt. properly located in LR2 zone requesting seating capacity 330 seat staff agrees. daily 11 to 1 a.m. The p7z reviewed and approved June 16 being as meet all requirements of city ord staff rec approval received noj.

Mayor Morales opened the public hearing at 12:07 p.m. John Newton Newton engineer, regarding development 12:08 total seats 330 seats how many on patio don't recall less than 100. total seat count and compared to parking. Morales what plans are for patio? just casual outdoor seating plan to do any type of birthday party Sunday fun day. John assume would as patio. Morales not aware of other stores doing any of those events? Hotchkiss zoning is property but would like to address public safety issues, in past Buffalo Wild Wings PD on site from 7? 12:10. have overview requested hours from 11 am to 1 a.m. every day of week and asked to limit hours from 11 to 11 sun-thur and fri sat 11 to 1. John Newton in past on other locations it is something would like to have open as long as possible to attract as many people as can and have available to as many people as possible. Ask consider requested hours and keep hours. Hotchkiss in past years with one exception hours have been only on Saturday open until 1 a.m. that is. John has there been other establishments limited to hours. Love these are all eating restaurant with exception of Hemmingway this is a bar because doesn't meet food requirement. Would be curious what bars are doing not counting restaurants. Lori Ruiz attorney Atkins Homes and Jones 3800 E 42nd Suite 500 Odessa. representing Texsanjin LLC landowner not with franchise Tilted Kilt. With regard to Mr. Love's question for other bars, think should be noted Buffalo Wild Wings open 11 am to 2 am and last call of 1:45 a.m. There are several other similar type restaurant bar grills in Midland one of which Sedona Grill which has fluid closing time after speaking with manager supposed to close at 11 but depending on crowd and type of business open later. As far as know permitted to serve alcohol past 11. Hopefully landowner will be open this type of restaurant geared like sports bar. similar to Buffalo Wild Wings serve alcohol until after 11 p.m. or after other restaurants close. Landowner is already planning on providing security on premises for hours of operations. intending to be open 7 days how many days officer? all 7 days. not sure about day time. One of requirements was police officer landowner and restaurant owner open to that and permitted to serve alcohol until 1 a.m. Do you know mix of food vs alcohol. Hotchkiss Buffalo open that late 3 every night. Yes. Atty with regarding to other Tilted Kilts Irving 1 a.m. during it is part of restaurant plan that those are operating hours. Morales sounds like if smaller community vs metro attendance they cut back on hours. if have mixed hours based on locations.

Chuck Harrington hours what asked to provide what recently approved and that is hours of most recent permits. Morales if willing security say want to put security two officers like we do other establishments if classified club bar. Hotchkiss health and safety curious if Mr. Stretcher has any comments. Keith def can add conditions for public safety and security have done before very reasonable. hours is something within jurisdiction can do that too. Address don't want to leave impression that any permission from City about Sedona grill staying open past hour. If they are violating they are subject to consequences there have been no violations.

There being no one else wishing to speak, the public hearing was closed. 12:19 p.m.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9294.

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

Member Lacy.

Becky martin 509 Collesum Drive, being in communtiy and area and knowing the franchisees believe it will be a positive experience for area. waiting to see if any opposition because some media out there with other locations around think it was.

Dufford one questions to ask of Buffalo was there a time frame present? Courtney thinking it was evening hours can verify between now and second reading. Hotchkiss we came make these requests of the owner now. What voting on is change alcoholic beverage it isn't we aren't voting to approve restaurant we can voice that hours are not appropriate.

Council Member Hotchkiss moved to amend the motion by requiring police officer on duty with same hours as Buffalo Wild Wings ; seconded by .; 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.

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

43. At approximately 10:45 A.M. hold a public hearing and consider an ordinance on a request by Noah's Ark Development for a zone change from LR-2, Local Retail District to PD, Planned District for Shopping Center on Lot 21, Block 26, Wyndewood Estates Addition, Section 32, City and County of Midland, Texas (Generally located on the south side of Preston Drive, approximately 330-feet east of Loop 250 West.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9295

CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 21, BLOCK 26, WYDEWOOD ESTATES ADDITION, SECTION 32, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED ON THE SOUTH SIDE OF PRESTON DRIVE, APPROXIMATELY 330 FEET EAST OF NORTH LOOP 250 WEST); 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

Harrington build storage facility. land in question is not very desirable so no direct access there is another storage to south and proposing to put in 78,000 sq ft of storage space. all building one story in height and masonry screening fence proposing 8 feet chain link fence and 7 foot stucco wall along east side of property line and 12 ft landscape to buffer residential land uses. p7z rec approval June 16 and staff concurs no objections.

Mayor confused ingress/egress. Harrington access easement on public roadway.

Mayor Morales opened the public hearing at 12:29 p.m. There being no one present

wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9295.

Council Member Lacy moved approval of the first of two readings of Ordinance No. NUMBER> in accordance with the Charter of the City of Midland with amendment to require 7 foot masonry fence on west side and southern portion require 7 foot masonry fence; 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.

44. At approximately 10:48 A.M. hold a public hearing and consider an ordinance on a request by Gabriel Reynosa / SWQ Loop 250 and 191 LLC for a zone change from PD, Planned District for a Shopping Center to an Amended Planned District on Lots 6B and 6C, Block 2, Westridge Park Addition, Section 24, City and County of Midland, Texas (Generally located on the west side of N. Loop 250 West, approximately 350-feet north of Deauville Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9296

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 6B AND 6C, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 24, 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 ON THE WEST SIDE OF NORTH LOOP 250 WEST, APPROXIMATELY 350 FEET NORTH OF DEAUVILLE BOULEVARD); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

chuck Harrington request is unique proeprty located along loop 250 west norht of deauville and originally palnnd for deauvillle mall in 1986. 2006 amended to allow for sports goods. since that development pattern has changed and requires amendment. applicant 3 bldgs proposed little voer 1900 sq ft 4700 ft of rest plus outdoor space. unique character towers at end of building sexceed max bldg standards. they need 35 feet for towers for aesthetics. p7z reviewed and rec approval june 16 and staff confur wqith their approval.

Mayor Morales opened the public hearing at 12:34 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9296.

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

45. At approximately 10:51 A.M. hold a public hearing regarding a proposed oil and gas permit to Rust Oil Corporation (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Moss Partnership "9" No. 2) located 2,207 feet from the south line and 1,594 feet from the east line located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the west side of the extension of North Garfield Street, approximately 1/2 mile north of Mockingbird Lane.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & gas Compliance officer Ron Jenkins first of two wells moss partnership on shite already 2 wells third well on site. been to o7g rec approval of Inadsc and irrig variance no loj will beusing exiswtn tnak battery already approved. existing road repair agreement.

Mayor Morales opened the public hearing at 12:37 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

46. At approximately 10:54 A.M. hold a public hearing regarding a proposed oil and gas permit to Reliance Energy, Inc., (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Nail 101) located 660 feet from the north line and 1,980 feet from the east line located in Section 1, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Martin, Texas (Generally located on the east side of State Hwy 349, approximately 3 miles north of Arapahoe Road.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting this well nroth of craddic hwy by itself on jones bros area.l reliance energy first well to city no loj committe rec approval of landsca nd irrig because no water. In martin county.

Mayor Morales opened the public hearing at 12:38 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

47. At approximately 10:57 A.M. hold a public hearing and consider a resolution on a request by San Miguel Arcangel Catholic Church for a Temporary Land Use Permit for an Annual Church Fair on a portion of Lot 1A, Block 19, Midland Height Addition, Section 4, City and County of Midland, Texas (Generally located southwest of the intersection of Camp Street and Dakota Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 2014 - 227

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH FAIR ON LOT 1A, BLOCK 19, MIDLAND HEIGHTS ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF CAMP STREET AND DAKOTA AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director chuck harrington gave a brief overview of the item noting this request by ?? cath church for annual fair on premmesis. this is 2 day event and requiries no st closures no canr rides no alco bev all sales of good. min of 5 cert peace officers 8 prot restroom. op hours live music will be reduced at 10p.m. on sat in

respect . staf rec approval.

Mayor Morales opened the public hearing at 12:39 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. NUMBER>; 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.

MISCELLANEOUS

48. Approved a motion on a proposed preliminary plat of Belmont Addition, Section 22, being a replat of Lots 1 through 12, Block 42, all of Blocks 43 and 44; and a 0.14-acre alley right-of-way in Block 42, Belmont Addition, City and County of Midland, Texas (Generally located southeast of the intersection of Belmont Street and Wolcott Avenue.) (DEVELOPMENT SERVICES)

chuck proposed prel palt belmont addition proposed 48 residential lots. they are giving additionrow needed. no alleys so requires coming to council for approval of wiaver of alleys. rec for approbail by p7z on june 2 and staff would concur no loj. Mayor front yard pick up? Chuck that is whatwill be done don't know exact. chuck let mroris look at prior to coming to Council. Lacy asked love if ok. yes.

Council Member Hotchkiss moved to approve a motion on a proposed preliminary plat of Belmont Addition, Section 22, being a replat of Lots 1 through 12, Block 42, all of Blocks 43 and 44; and a 0.14-acre alley right-of-way in Block 42, Belmont Addition, City and County of Midland, Texas (Generally located southeast of the intersection of Belmont Street and Wolcott Avenue.); seconded by Council Member Love.

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

49. Consider an ordinance on a request by D. R. Horton – Texas, Ltd. for a vacation of a 0.056-acre public right-of-way on Sierra Court, adjacent to Lot 12A and the 0.001-acre right-of-way adjacent to Lot 17A, Block 6, Adobe Meadows Addition, Section 6, City and County of Midland, Texas (Generally located on the west side of Sierra Court, 150 feet south of San Francisco Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9297

AN ORDINANCE VACATING AND ABANDONING A 0.057-ACRE PORTION OF SIERRA COURT RIGHT-OF-WAY ADJACENT TO LOTS 12A AND 17A, BLOCK 6, ADOBE MEADOWS ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SIERRA COURT, APPROXIMATELY 150 FEET SOUTH OF SAN FRANCISCO AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$7,448.70; PROVIDING A CREDIT OF \$7,212.00 TO THE FEE FOR THE COST OF THE RIGHT-OF-WAY; AND ORDERING RECORDATION BY THE CITY SECRETARY

chuck harrington this is repositioning culdesac of subdivision. in doing so wound up

giving up more land then giving back to us so made tradeoff. difference 236 to our credit. Love why tha tshape. harrington can't answer they are engineers.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9297.

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

love have padi. chuk will have to pay before filing palt.

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

50. Consider an ordinance abolishing and terminating the Midland Tax Increment Reinvestment Zone Number One (TIRZ). (CITY ATTORNEY'S OFFICE)

ORDINANCE NO. 9298

AN ORDINANCE ABOLISHING AND TERMINATING THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NUMBER ONE (TIRZ), CITY OF MIDLAND, TEXAS UNDER THE AUTHORITY OF SECTION 311.017 OF THE TEXAS TAX CODE; AUTHORIZING THE DISTRIBUTION OF TIRZ FUNDS TO THE TAXING ENTITIES PARTICIPATING IN THE TIRZ IN ACCORDANCE WITH THE TEXAS TAX CODE; AND ESTABLISHING AN EFFECTIVE DATE; THE PARTICIPATING ENTITIES IN THE TIRZ ARE THE CITY OF MIDLAND, MIDLAND COUNTY, THE MIDLAND COUNTY HOSPITAL DISTRICT AND THE MIDLAND COMMUNITY COLLEGE DISTRICT; THE TIRZ HAS NO OUTSTANDING BOND INDEBTEDNESS

Sparks brought primarily because some staff that talked in newspaper that said by increasing property values in downtown it would help taxpayers of Midland. As long TIRZ exists in present state that is not an accurate statement. The taxpayers of Midland gets no benefit. We don't have to have eTIRZ for downtown incentives but a previous Council said all money used for downtown and is earmarked. Don't think you have to have TIRZ to do downtown incentives. At this point you've had increase in taxable revenue 225M in appraised value could say TIRZ has been successful, it's time to terminate the to allow taxpayers to see benefit. Has a former TIRZ member that sent email after saw what was in paper and he believes that TIRZ has run its course under present form, hospital already existed from TIRZ. If Council believes needed can be brought back propose terminating it to allow midlands benefit of increased property values.

Love there actually is a way that TIRZ can exist and citizens benefit and that would be to cap TIRZ everything above valuation would go back to city ?? if eliminate and have economic downturn and then decide to reinstate have to start valuation at that time. Love would hate to get rid of a tool and end up needing it. Morales say may not be an effective tool. Morales one example have 5-7 buildings that City of Midland has in possession if time comes to demolish because need to pay for that. Love TIRZ would be the best way otherwise comes from Midland fund. Spencer wouldn't have additional tax revenue in general for projects. and aren't allowed for City to spend 1% to use across city doesn't specifically use. Morales if were to abolish TIRZ today \$ accumulated could be used to demolish. Spencer additional tax available not just tax projects but city wide. Courtney only thing missing is other taxing entities and those funds if continue to stay in

tirz would have more money to do dmo. otherwise estimate 900,000 to gf. Morales 380 come from where? Courtney gf. Hotchkiss what is difference between amount alone and with entities. Courtney estimating contribute a little over 900,000 to TIRZ and total budget for TIRZ county, school district, community college and take whatever their tax rate is and times by valuation. So probably 40-45% City. Morales really mixed feelings, been in place 13 years starting to see fruition of tool. Morales infrastructure is so aged and this would be a great pool. Sparks how does capping it work? Need to quit saying citizens are getting benefit although they may get it from sales tax. Love thinks it's premature. Lacy if get rid of TIRZ can start issuing CO for downtown and money generated would have debt service. Morales it sounds like there are various options. Dufford if abolish term it does NTO send message that we are down revitalizing downtown. It won't be finished until repurpose or demolish every building that is boarded up or fenced. There are other ways to finance and to demolish buildings city currently controls. Hope taxing entities would join in keeping or helping incentivize buildings downtown. Interesting downtown nto on loop. Love not against ending TIRZ as matter of fact previous Council talking about ERP project former Council member wanted to end and TIRZ has shelf life it will end. not opposed to ending it just think it is premature. Love would like to hear from Wellen and Kennedy.

John Kennedy 1202 Douglas president of current TIRZ board. thoughts are don't think time to get rid of it think we have tool to revitalize downtown which needs to be done. One thing current Council there are some commitment current Council voted on to help with new construction of former RITZ with PBS. \$500,000 commitment to them. TIRZ for longest was losing \$ finally getting to where making money and agree with Love need to use this tool. Give mandate to do something rather than get rid of. DMMD all people voted to be taxed and pay for higher rates to have devel corp so can revitalize. if will residence of downtown are willing to pay lets continue so can help downtown. There is a stated date when will be gone. Lacy when was agreement with RITZ. Agreement came in 2012 or 2013 might have been 2011 approve matching situation if they raised \$500,000 for acceptable construction cost facade. Kennedy they have raised funds and submitted construction plans to come to project review committee to ask for funds for acceptable costs. Keith agreement with PBS never got on Council agenda and has never been approved by Council. Courtney RITZ came to TIRZ and they did challenge grant if raise \$500,000 will match. There was a deadline or timeline for them to get contribution. They passed timeline and extended it took them a lot longer. finally got matching dollars but never brought back to TIRZ or Council for final approval. Morales if were move forward is hospital pulled out would they be held accountable for this project because prior to letter. Keith would think so. Keith looked through and confident TIRZ has no outstanding obligations. Kennedy TIRZ wasn't formalized this would be perfect message that not for incentivizing downtown if go back on what thought agreed upon. Sparks how much \$ does TIRZ currently have 3.5M. have enough money if money stays there until it runs out of funds can still term TIRZ but don't continue ending it. What is shelf life? 30 year life 2031 would be end. has shelf life as long as no standing obligations. TIRZ doesn't operate on bonded indebtedness it would have commitment to fulfill prior commitments. Morales what can TIRZ be used for. Kennedy workshop with Sue Darcy to understand what can pay for asbestos abatement, parking, utilities, facade work that improves overall work. Sparks of things Kennedy stated what of those projects would MDC not be able to do? Keith MDC can do every one of them. Sparks have MDC and 380 agreements. Kennedy MDC is responsible for entire community and TIRZ is only looking at downtown. For that reason alone. why give up incentive let TIRZ try to do something good and see where it goes. Sparks

understand nad Kennedy has arguement that is appropriate. Could amend termination to keep money in there that will give alot of money to use moving forward without continuing to fund it. Sparks terminate TIRZ moving forward but stay in bank account and can use in guidelines of TIRZ. Morales are there other options. Keith abolish tirz, leave money in TIRZ to meet obligations that think have been promise or leave all money in TIRZ and use it only for TIRZ approved projects in downtown area but future revenue would go to taxing agencies, or keeping TIRZ in effect, or keep it and cap it. Love although valfuations of downtown gone up had sales tx revenue sales tax is going down in June of 2013 because basic left downtown think.

Mark Wellen 51 ?? don't have alot to add was chairman John correct until started 11:20 at seeing valuation turning around. Think that by large extent didn't have naythign to do with TIRZ but due to economic times. Think the notion of TIRZ is on cusp of accomplishing goes to core of what talking about. Think it might be reasonable to terminate TIZ earlier but premature now. His rec would be defer decision or modify motion to review on annual basis because think can identify 4-5 particualr properties that are in sore need to get off high center. If can get a hdnful of properties turn corner can cut loose and let private enterprise take over. a few items that are really clsoe but be more active of applying funds that is big elephant in room it is a bad situation and being in busienss of designing buildings have problems. \$ could be applied as discussed. Incorrect to say citizens aren't seeing benefit because once reappleid and turn buildings around will see benefits what need continued tax growth in downtown will take pressure off citizens. Take names out and look at property and make property more viable in market place and valfuation will go up. TIRZ intended to be partnership with private dev to incentive but also there for cash for public use. when say citizens aren't seeing benefits of it forget how TIRZ helped in centennial plaza and trees along street. That is half of vlaue of TIRZ when go up \$ can be reappleid. shouldn't be endless thing. if can apply fudns to a few certain things. Requested defer decision until get mroe detail from people who are in sitaution is better. Spencer more proactive with funds why not to date? Wellen alot of legality of doing deals with TIRZ misconception pot of money I need \$500,000 they will gie money but as with any project for public funds a lot of work applicant has to do. By benign neglect didn't have parking requirements. Trying to find ways to bring buildings back. Don't think concept of term before 2031 is out of line just not is premature. Lacy process is very complicated that makes it sound like its ineffective outside of centenial can't name projects. Sparks asked hwo much money they think they need. Love other funding mechanisms such as MDC we can take pressure off of MDC and allow to do if nt constnatly going to MD for infrastructure. Hotchkiss one comment thankful for people like Mark and John who are passionate volunteers who work this hard for City. of 3.5 M what is owed to City. Courtnety 2013 figures collected 1.3 M for TIZ 677,000 city, 218,000 county 208,000 college 197,000 hospital. Out of that roughly half. Spencer outlived useful life suppor tof return of funds to entities and gf. Morales could go either way but just reaching peak of TIRZ and great opportunity and have not been very responsible with funds by taking charge and enhancing like could have. Seen success in Dallas and Austin with TIRZ in downtown. Dufford hold every Council member accountable for downtown. Don't want to see abandoning the vision if goes away today will hodla ccountable until every building torn down or repurposed. Morales cted tall city task force and will take downtown properties and work with property owners and comp masater plan of continued master plan. Dufford agree with Sparks leave 3.5 M in ther efor specific for downtown project know of several can start same thing. Love ending TIZ will not stop downtown development.

Joel Rodgers 220 N A Street, thank Mr. Sparks for efforts voice of Midland have issues about funding because certain look of impropriety. thanked Mr. Lacy to question why want to give full amount in former deal when have shrunk building. If TIRZ could stop infrastructure some dev come in and are looking for entitlement. Second thing really love to preserve historical courthouse and turn into a new city hall, get good use out of it and it will please a lot of people. it was quoted \$20 to refurbish vs 30-40M to build new one. There are a lot of people who love historical value. Allow ERP to buy one of 7 buildings and do own thing with own money and at own risk. Would like to say regarding gentlemen some people want to see City of Midland die Com is finest place ever lived \$ is not what makes Midland a great place. we lose people because care about what happens downtown. Spencer on title and attitude compelled disagree there is not an entitlement attitude.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9298.

Council Member Sparks moved approval of the first of two readings of Ordinance No. NUMBER> in accordance with the Charter of the City of Midland with amendment to terminate current TIRZ funding mechanism while leaving funds currently in place to utilize for the projects; seconded by Council Member Lacy.

Sparks amend motion to terminate current TIRZ funding mechanism while leaving funds currently in place to utilize for the projects

Love isn't it correct that historical commission turned down courthouse. correct.

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

51. Discuss and consider a motion regarding a Term Sheet between the City of Midland and Energy Tower, LLC which was executed by the City Manager on October 1, 2013. Said Term Sheet related to the proposed Energy Tower and proposed City Center with associated downtown parking garage and proposed City Convention Center.

Sparks don't believe Term Sheet is appropriate because project looking at no longer exists due to changes that have been made to the project. Council concurred that function of term sheet was for 58 story building. Keith need to vote on term sheet that null and void and no longer exists. Morales if Council votes to do away with term sheet and want to move forward with negotiating start whole new term sheet based on proposed project.

Dufford does it preclude from going to date certain with energy towers.

Council Member Sparks moved to nullify current term sheet ; seconded by Council Member Lacy.

Morales anybody has concerns that does not understand. no one.

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

52. Discuss and consider a motion related to a proposed Purchase and Sale Agreement between Energy Related Properties, LLC and the City of Midland, which was executed by the City Manager on March 18, 2013. Said Agreement relates to Block 55, Original Town Addition, City and County of Midland, Texas.

Morales since 51 nullified do not need to address this item. Stretcher or the next because negot dev agreement up to Sept 30 of this year in good faith.

no action.

53. Discuss and consider a motion related to the First Amendment to Purchase and Sale Agreement between the City of Midland and Energy Tower LLC which was executed by the City Manager on November 6, 2013. Said Agreement related to Block 55, Original Town Addition, City and County of Midland, Texas and a portion of Loraine Street between Block 55 and Block 54, Original Town Addition, City and County of Midland, Texas.

no action.

54. Approved a motion making appointments to Building Codes Review Committee, 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.

Council Member Hotchkiss moved to appoint Kelly Bo Cockerell to animal services advisory to replace Kelly Simpson; seconded by Council Member Dufford.

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

Courtney brought up meeting of national night out will get with mayor to change date.

adjourn 1:53 a.m.

EXECUTIVE SESSION

Mayor noted will break for lunch and executive session. Will not be back before 1:30 p.m. recess to exec at 12:41 p.m.

reconvene 1:30

55. 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 551.072 Deliberation Regarding Real Property.

- a.1. Discuss the sale, exchange, lease or value of real property described as Block 55, Original Town Addition, City and County of Midland, Texas and a portion of Loraine Street between Block 55 and Block 54, Original Town Addition, City and County of Midland, Texas. Block 55 is the site of the

former Midland County Courthouse, The Council will discuss the proposed sale, lease or exchange of said real property to Energy Related Properties, LLC and/or Energy Tower, LLC.

b. Section 551.087 Deliberate Economic Development Negotiations.

b.1. Discuss business prospects that the City of Midland seeks to have, locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives. The Council will discuss a proposed economic development agreement with Energy Related Properties, LLC and/or Energy Tower, LLC.

c. Section 551.072 Deliberation Regarding Real Property.

c.1. Discuss the lease and value of real property and improvements described as the North, East and South General Aviation Lease Areas at the Midland International Airport.

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