

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

BRIEFING SESSION

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

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

Council Members absent: None.

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

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

REGULAR SESSION

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

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

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

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:00

1. Invocation - Reverend Pat Bryant, Travis Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

Mayor presented Verla

Cathryn introduced City interns

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Commendation for Verla Turner.
 - b. Introduction of City interns

PUBLIC COMMENT

none

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

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 5 - 29 excluding 8, 11, 12, 17, 20, 24, 28; 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. Regular meeting of June 23, 2015.
6. Approved a resolution approving plans and specifications and authorizing advertisement for bids for Hogan Park Golf Course re-grassing of various turf areas on the Quail course for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2015 - 188
RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
ADVERTISEMENT FOR BIDS FOR LEVELING AND RE-GRASSING VARIOUS TURF
AREAS ON THE QUAIL COURSE AT HOGAN PARK GOLF COURSE

7. Approved a resolution approving specifications and authorizing advertisement for bids for an annual agreement for Readymix Concrete and Caliche for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2015 - 189

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR AN ANNUAL SUPPLY OF READY MIX CONCRETE AND CALICHE

9. Approved a resolution authorizing an annual master agreement for brass valves and fittings for the Warehouse Division. (PURCHASING)

RESOLUTION NO. 2015 - 191

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE PURCHASE OF BRASS FITTINGS AND VALVES OF ASSORTED SIZES FOR USE BY THE CITY'S WATER AND WASTEWATER AND CUSTOMER SERVICE DIVISIONS, FROM BENMARK SUPPLY COMPANY, INCORPORATED, OF MIDLAND, TEXAS, AT AN ESTIMATED TOTAL COST OF \$86,934.00

10. Approved a resolution approving specifications and authorizing advertisement for bids for elevator renovations at the Police and Communications building for the Facilities Services Division. (PURCHASING)

RESOLUTION NO. 2015 - 192

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR ELEVATOR RENOVATIONS AT THE POLICE AND COMMUNICATIONS BUILDING

13. Approved a resolution approving plans and authorizing the City Manager to give notice to advertise for request for bids for the construction of the City of Midland Cloverdale Road Pedestrian Access Improvements (From South Jackson Street to South Webster Street) for the Engineering Department. (PURCHASING)

RESOLUTION NO. 2015 - 195

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE CLOVERDALE ROAD PEDESTRIAN ACCESS IMPROVEMENTS PROJECT; SAID PROJECT WILL PROVIDE FOR THE INSTALLATION OF A NEW FIVE-FOOT-WIDE SIDEWALK AND 18 PEDESTRIAN CURB RAMPS ALONG THE NORTH SIDE OF CLOVERDALE ROAD BETWEEN SOUTH JACKSON STREET AND SOUTH WEBSTER STREET

14. Approved a resolution approving the issuance of a request for proposals for a third party administrator for self-insured medical and dental claims administration, large case management/precertification, preferred provider organization, pharmacy benefit manager retail/mail order, voluntary long term disability/short term disability, voluntary vision program, basic life insurance, accidental death & dismemberment, and voluntary term life, and Section 125 claims administration for the Administrative Services Department. (PURCHASING)

RESOLUTION NO. 2015 - 196

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS

FOR A THIRD PARTY BENEFITS ADMINISTRATOR; SAID PROPOSAL WILL INCLUDE SELF-INSURED MEDICAL AND DENTAL CLAIMS ADMINISTRATION, LARGE CASE MANAGEMENT/PRECERTIFICATION, PREFERRED PROVIDER ORGANIZATION, PHARMACY BENEFIT MANAGER RETAIL/MAIL ORDER, VOLUNTARY LONG TERM AND SHORT TERM DISABILITY, VOLUNTARY VISION PROGRAM, BASIC LIFE INSURANCE, ACCIDENTAL DEATH AND DISMEMBERMENT, VOLUNTARY TERM LIFE, AND SECTION 125 CLAIMS ADMINISTRATION FOR THE ADMINISTRATIVE SERVICES DEPARTMENT

15. Approved a motion designating Public Information Act Coordinator Tammi Casey as the Public Information Act Coordinator to satisfy the training requirements set forth in the Texas Public Information Act (Government Code Ch. 552). (CITY ATTORNEY'S OFFICE)
16. Approved a resolution authorizing the Office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to represent the City of Midland and its employees in a lawsuit. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2015 - 197

RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO FILE ALL DOCUMENTS, EMPLOY ALL NECESSARY EXPERTS AND MAKE ALL NECESSARY APPEARANCES TO REPRESENT THE CITY OF MIDLAND AND ITS EMPLOYEES IN A LAWSUIT STYLED ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY AS SUBROGEE OF SHELLY HAYES V. CITY OF MIDLAND, ET AL.; JUSTICE COURT PRECINCT 4, MIDLAND COUNTY, TEXAS; CAUSE NO. S4150010; AND AUTHORIZING THE PAYMENT OF ALL COSTS

18. Consider a resolution authorizing the negotiation and execution of an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone #1 and White Star Energy, Inc./Subway Re-development. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 199

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ) AND WHITE STAR ENERGY, INCORPORATED SUBWAY RE-DEVELOPMENT PROJECT, SAID AGREEMENT WAS PREVIOUSLY APPROVED BY THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ)

19. Approved a resolution authorizing the negotiation and execution of an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone #1 and First United Methodist Church of Midland. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 200

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ) AND FIRST UNITED METHODIST CHURCH, SAID AGREEMENT WAS PREVIOUSLY APPROVED BY THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ)

21. Approved a resolution approving the transfer of the Oil and Gas Well Permits and Road Repair Agreement under City Ordinance 8769 to Linn Energy, LLC. (Current Operator). The following permits Robbie #2403, Robbie #2406, Robbie #2407, Robbie #2410, Robbie #2411, Robbie #2414, Robbie #2415 and Robbie #24D will be transferred to the XTO Energy Inc. Robbie permitted wells are located in Section 24, Block 40, T-1-S, T & P RR Co., Survey, City and County of Midland, Texas (Generally located on the north side of Briarwood Avenue and East of Avalon Drive). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 202

RESOLUTION APPROVING LINN ENERGY, LLC'S ("OPERATOR") TRANSFER OF CERTAIN OIL AND GAS WELL PERMITS TO XTO ENERGY INC. ("TRANSFeree"); AND APPROVING OPERATOR'S TRANSFER OF THE ROAD REPAIR AGREEMENT REGARDING SAID OIL AND GAS WELL PERMITS TO TRANSFeree; THE OIL AND GAS WELLS ARE ROBBIE #2403, ROBBIE #2406, ROBBIE #2407, ROBBIE #2410, ROBBIE #2411, ROBBIE #2414, ROBBIE #2415, AND ROBBIE #24D; SAID OIL AND GAS WELLS ARE LOCATED IN SECTION 24, BLOCK 40, T-1-S, T & P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, EAST OF AVALON DRIVE)

22. Approved a resolution to grant variances to Ordinance No. 8769 (January 1, 2010 Oil and Gas Well Drilling Ordinance) to allow building permits for residences, to be issued in the future, where the proposed residence, either in whole or part is no closer than 135 feet of existing oil and gas wells (Isbell Hz Unit #108MS, #109LS, #110WB, #111WA). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 203

RESOLUTION GRANTING A VARIANCE FOR PAVILION PARK, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED EAST OF NORTH BIG SPRING STREET, APPROXIMATELY 2,600 FEET SOUTH OF MOCKINGBIRD LANE), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 135 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

23. Approved a resolution authorizing the City Manager to negotiate and acquire any Right-of-Way necessary for public use along Fairgrounds Road extending north approximately 3.75 miles from Loop 250, to seek an appraisal, and upon final acceptance of the agreement by City Council to execute any documents, paperwork, titles, deeds, etc. necessary to complete the Right-of-Way acquisition; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 204

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, ANY REAL PROPERTY INTERESTS NECESSARY OR APPROPRIATE, BY ANY INSTRUMENTS OF CONVEYANCE NECESSARY OR APPROPRIATE, FOR THE USE AND BENEFIT OF THE PUBLIC FOR STREET, ROAD, PEDESTRIAN ACCESS, DRAINAGE AND PUBLIC UTILITY PURPOSES, AND FOR ANY OTHER ANCILLARY PUBLIC USE AS IS USUAL AND CUSTOMARY IN CONNECTION THEREWITH, FROM THE INTERSECTION OF FAIRGROUNDS ROAD AND LOOP 250 TO A POINT APPROXIMATELY 3.75 MILES NORTH OF LOOP 250; AUTHORIZING THE CITY MANAGER TO OBTAIN APPRAISALS, NEGOTIATE,

EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS, PURCHASE TITLE INSURANCE POLICIES AND HOLD THE CLOSINGS FOR SAID ACQUISITIONS; AUTHORIZING PAYMENT FOR SAID APPRAISALS, TITLE INSURANCE POLICIES AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, ALL INSTRUMENTS OF CONVEYANCE

25. Approved a resolution authorizing the City Manager to enter into a funding agreement with the Metropolitan Planning Organization, MOTOR MPO, to fund a Planning and Environmental Linkage (PEL) study for a new regional highway on the northeast side of Midland. The City Manager will also be authorized to secure a qualified Engineering firm by advertising a Request for Qualification and selecting a qualified firm to perform the study. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 206

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A FUNDING AGREEMENT WITH THE MIDLAND ODESSA TRANSPORTATION ORGANIZATION - METROPOLITAN PLANNING ORGANIZATION TO FUND A PLANNING AND ENVIRONMENTAL LINKAGE STUDY FOR A NEW REGIONAL HIGHWAY ON THE NORTHEAST SIDE OF MIDLAND; AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES FOR THE PERFORMANCE OF SAID PLANNING AND ENVIRONMENTAL LINKAGE STUDY; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT FOR SAID SERVICES; AND PROVIDING THAT SAID PROFESSIONAL SERVICES AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL

26. Approved a motion on request by Landgraf Crutcher & Associates Inc. to defer public improvements for Westview Addition Section 5, and to waive the corresponding financial security guarantee valued at \$179,691 an amount equal to the estimated cost of construction. The subject property is located at the southeast corner of West County Road 50 and Craddick Highway in Midland County, Texas. (ENGINEERING SERVICES)
27. Approved a motion on request by Landgraf Crutcher & Associates Inc. to defer public improvements for Carrasco Village Addition, and to waive the corresponding financial security guarantee valued at \$250,000 an amount equal to the estimated cost of construction. The subject property is located on East County Road 130 approximately 500 feet west of the intersection with South County Road 1140 in the City of Midland ETJ, Midland County, Texas. (ENGINEERING SERVICES)
29. Approved a resolution approving the Fifth Amendment to the Wholesale Water Delivery Agreement with the Midland County Fresh Water Supply District No. 1. (UTILITIES)

RESOLUTION NO. 2015 - 208

RESOLUTION AUTHORIZING THE EXECUTION OF THE FIFTH AMENDMENT TO THE WHOLESALE WATER DELIVERY AGREEMENT BETWEEN THE CITY OF MIDLAND AND THE MIDLAND COUNTY FRESH WATER SUPPLY DISTRICT NO. 1 REGARDING ADDITIONAL INFRASTRUCTURE IMPROVEMENTS TO THE T-BAR WATER SYSTEM

8. Approved a resolution authorizing a contract for the Midkiff Road to Horseshoe Arena Waterline Extension Project with the sole bidder, TEC Excavation, Inc., for a total cost of \$1,428,700.00 for the Transportation Division; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2015 - 190

RESOLUTION AWARDDING A CONTRACT FOR THE MIDKIFF ROAD TO HORSESHOE ARENA WATERLINE EXTENSION PROJECT TO THE SOLE BIDDER, TEC EXCAVATION, INC. OF MIDLAND, TEXAS, AT A TOTAL COST OF \$1,428,700.00; ALLOCATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

Lacy pulled sparks abstain.

Love noticing in bids receiving low number of bids this instance only one. affects costs via lack of competition. What can we do. Jose really good question. needd ot sit down and discuss opiton to find best. Love would send more bids out in geographical area work. Jose have large region don't get people to bid. Lacy still a lot of work. Morales TXDot has new funding and contractors going against state funds.

Council Member Love moved to adopt Resolution No. 2015 - 190; seconded by Council Member Robnett.

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

11. Approved a resolution approving specifications and authorizing advertisement for bids for the purchase of six (6) thirty-five (35) to forty (40) cubic yard self-contained compactors, ten (10) thirty (30) cubic yard open top roll-off containers and one thousand (1,000) three (3) cubic yard refuse containers with lids for the Solid Waste Department. (PURCHASING)

RESOLUTION NO. 2015 - 193

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORI ZING ADVERTISEMENT FOR BIDS FOR THE PURCHASE OF SIX (6) THIRTY-FIVE (35) TO FORTY (40) CUBIC YARD SELF-CONTAINED COMPACTORS, TEN (10) THIRTY (30) CUBIC YARD OPEN TOP ROLL-OFF CONTAINERS, AND ONE THOUSAND (1,000) THREE (3) CUBIC YARD REFUSE CONTAINERS WITH LIDS

Love pulled and next item for general questions. #11 how replaced items disposed of? Morris asset mgtmt if so bad it is metal salvaged. on carts plastic they are recycled.

Council Member Love moved to adopt Resolution No. 2015 - 193; 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.

12. Approved a resolution approving specifications and authorizing advertisement for bids for two thousand (2,000) ninety-five/ninety-six (95/96) gallon residential rollout carts for the Solid Waste Department. (PURCHASING)

RESOLUTION NO. 2015 - 194

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE PURCHASE OF TWO THOUSAND (2,000) NINETY-FIVE OR NINETY-SIX (95/96) GALLON RESIDENTIAL ROLLOUT CARTS

Love pulled are items in disrepair normal wear and tear or disrepair acceleraated by client usage. Morris normal wear and tear. those carts last 5-7 years. Love do clients have any skin in cam a security deposit or replace as needed. Morris their fee is in bill and they get can every so often. If something happens normal City pays for. If damage on their part not had. Usually stolen and file police report.

Council Member Love moved to adopt Resolution No. 2015 - 194; 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.

17. Approved a resolution authorizing the negotiation and execution of an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone #1 and SHK The Advertising Firm. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 198

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ) AND SHK THE ADVERTISING FIRM

Lacy pulled asked Genora forward. Give context. this building gutted by former developer. Want to know what it is. Genora use of abatement is contextual to restoration. work done to building with rocks and things that had to be removed. that is context in which abatement had to be used. Historic restoration and preservation is qualified. use of funds.

Council Member Lacy moved to adopt Resolution No. 2015 - 198; seconded by Council Member Robnett.

Mayor try to invbest so stay in Midland. Genora since ceration of TIRZ legilative changes that have varied. this veyr much within realms of what council approved in 2002. Jessica Rule advertising. Love TIRZ paying for part of abatement for courthouse and two other buildings.

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 authorizing the transfer of a total \$50,000.00 in Community Development Block Grant funds from accounts with unobligated balances into the 2014-2015 Homebuyer Assistance Program. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 201

RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS IN THE AMOUNT OF \$50,000 TO THE 2014-2015 HOME BUYER ASSISTANCE PROGRAM FROM

ACCOUNTS WITH UNOBLIGATED BALANCES

Lacy asked for clarity. Sylvester have several housing assistance programs. whenever budget based on demand so difficult to try to figure out. Home buyer assistance program weren't sure how far other aspect is seek additional funds to augment other funding. as moved on related cdbg project tossed around and anticipated might obtain federal funds through state. did receive funds but not enough. one good thing happening now in local economy is home buyers are given greater choice so housing inventory has increased. cdbg can now afford along with city's assistance. exhausting funds quicker than thought.

Council Member Lacy moved to adopt Resolution No. 2015 - 201; 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.

24. Approved a resolution authorizing the City Manager to negotiate and acquire any Right-of-Way necessary for public use along Briarwood Avenue from Holliday Hill Road to Avalon Drive, between Sections 24 and 25, Block 40-T1S, to seek an appraisal, and upon final acceptance of the agreement by City Council to execute any documents, paperwork, titles, deeds, etc. necessary to complete the Right-of-Way acquisition; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 205

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, ANY REAL PROPERTY INTERESTS NECESSARY OR APPROPRIATE, BY ANY INSTRUMENTS OF CONVEYANCE NECESSARY OR APPROPRIATE, FOR THE USE AND BENEFIT OF THE PUBLIC FOR STREET, ROAD, PEDESTRIAN ACCESS, DRAINAGE AND PUBLIC UTILITY PURPOSES, AND FOR ANY OTHER ANCILLARY PUBLIC USE AS IS USUAL AND CUSTOMARY IN CONNECTION THEREWITH ALONG BRIARWOOD AVENUE, FROM HOLIDAY HILL ROAD TO AVALON DRIVE; AUTHORIZING THE CITY MANAGER TO OBTAIN APPRAISALS, NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS, PURCHASE TITLE INSURANCE POLICIES AND HOLD THE CLOSINGS FOR SAID ACQUISITIONS; AUTHORIZING PAYMENT FOR SAID APPRAISALS, TITLE INSURANCE POLICIES AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY HAS RECORDED, ALL INSTRUMENTS OF CONVEYANCE

Lacy pulled to thank staff for moving forward. constit excited about new road.

Council Member Lacy moved to adopt Resolution No. 2015 - 205; 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.

28. Approved a resolution authorizing the City Manager to donate a fire truck through the Texas Forest Service "Helping Hands" Program. (FIRE)

RESOLUTION NO. 2015 - 207

RESOLUTION AUTHORIZING THE DONATION OF A USED 1988 SUTPHEN QUINT FIRE ENGINE TO THE TEXAS FOREST SERVICE HELPING HANDS PROGRAM TO BE FURTHER CONVEYED TO THE CITY OF NEW DEAL, TEXAS, PURSUANT TO SECTION 52I, ARTICLE III OF THE TEXAS CONSTITUTION AND SECTION 88.106 OF THE TEXAS EDUCATION CODE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO TRANSFER OWNERSHIP

Lacy pulled to give context to why choose new deal.

Isbelle approached from chief from New Deal looking to see if any aerial device . Did have one that was to come up. Historically don't get a good return because keep a long time. It has some issues, getting ready to send to auction. found could donate it and then he spend money to fix and reeaplace to use in their community. Thought it most appropriate in a rea. Looked for other agencies one other that was not in area and had already started negotiation with New Deal. Fits new deal better than closer agencies. Love think a new story taht is worth community hearinga bout. Thanks for reaching out and realizing can help anothe community he applauds for that.

Council Member Lacy moved to adopt Resolution No. 2015 - 207; seconded by Council Member Robnett.

Chief Randy Cheater NEww Deal fire services for 37 years. this is something looked at for several eyaar. close to lubbock provide own firr protection felt like good thing to do as see growth comiing to area started persuing 2-3 years ago to see what was available. Thanks to Ch Isbell and City of Midland this is awesome.

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

SECOND READINGS

30. Consider an ordinance on second reading on a request by DDC Merritt Leisure, Ltd. for a zone change from PD, Planned District for a Shopping Center to PD, Planned District for a Housing Development, on Lots 1 & 2, Block 162, Wilshire Park Addition, Section 9, City and County of Midland, Texas (Generally located northwest of the intersection of Beal Parkway and Leisure Drive.) (DEVELOPMENT SERVICES) (First reading held on June 23, 2015.)

ORDINANCE NO. 9453

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1 AND 2, BLOCK 162, WILSHIRE PARK ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF BEAL PARKWAY AND LEISURE 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 Karla Mata read the caption of Ordinance No. 9453.

Council Member Love moved to approve the second and final reading of Ordinance No. 9453 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.

Lcy hope have neough opints to win.

31. Consider an ordinance on second reading amending Title X, "Traffic Regulations", Chapter Four, "Traffic Control Devices", Section 11, "School Zones and Crossings", of the Midland City Code, so as to designate each school zone and school crossing within the City and regulate the speed and movement of traffic therein; authorizing and directing the Traffic Engineer to install appropriate signs and markings; repealing Ordinance No. 9304; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES) (First reading held on June 23, 2015.)

ORDINANCE NO. 9455

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER FOUR, "TRAFFIC CONTROL DEVICES", SECTION 11, "SCHOOL ZONES AND CROSSINGS", OF THE MIDLAND CITY CODE, SO AS TO DESIGNATE EACH SCHOOL ZONE AND SCHOOL CROSSING WITHIN THE CITY AND REGULATE THE SPEED AND MOVEMENT OF TRAFFIC THEREIN; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 9304; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9455.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9455 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.

PUBLIC HEARINGS

32. Hold a public hearing and consider an ordinance Amending Title X, "Traffic Regulations", Chapter 9, "Miscellaneous Driving Rules", of the City Code of Midland, Texas, by adding Section 15, "Use of Wireless Communication Devices", so as to prohibit the use of a wireless communication device to view, send, or compose an electronic message or engage other application software while operating a motor

vehicle on a public roadway within the territorial limits of the City of Midland; negating and dispensing with the culpable mental state requirement; providing for a maximum penalty or fine of five hundred dollars (\$500.00); containing a cumulative clause; containing a savings and severability clause; ordering publication; and establishing an effective date of October 1, 2015. (CITY ATTORNEY'S OFFICE)

ORDINANCE NO. 9456

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER 9, "MISCELLANEOUS DRIVING RULES", OF THE CITY CODE OF MIDLAND, TEXAS, BY ADDING SECTION 15, "USE OF WIRELESS COMMUNICATION DEVICES", SO AS TO PROHIBIT THE USE OF A WIRELESS COMMUNICATION DEVICE TO VIEW, SEND, OR COMPOSE AN ELECTRONIC MESSAGE, OR ENGAGE OTHER APPLICATION SOFTWARE WHILE OPERATING A MOTOR VEHICLE ON A PUBLIC ROADWAY WITHIN THE TERRITORIAL LIMITS OF THE CITY OF MIDLAND; NEGATING AND DISPENSING WITH THE CULPABLE MENTAL STATE REQUIREMENT; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE OF OCTOBER 1, 2015

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9456.

Mayor Morales opened the public hearing at 10:30 a.m.

Richard Russel 2605 Culver Drive, support for texting ban. had granddaughter adn invited her to be presented introduced granddaughter she has driving permit. Passionate about and communicated with various council members think this is an ordinance that is needed. First caem out of college as coach and drivers ad. A lot of concerna bout if can enforce seat belts now you jsut buckle up. Son is state trooper in south texas asked hima bout concern about that law would be hard or difficult to impose or enforce. Troopers don't make laws they enforce them. Great police offiicer and Sheriff Deputies in County. Have no doubt that when lw on books it will be enforced. When happens you wil ahve saved lives in Midland. Dont' ever want to have to face situation because someone talking on cell phone. Now is time to do.

Ryder Warrene 5104 Hilltop, thanked for bringing. father of 3 teenage drivers. remind council in leadership role in community roughly 6000 teenagers eligible to drive or soon eligible. last 3 session come out openly and publically to get bill passed state wide. absolutely in favor of this ord and if in infinite wisdom of council choose to approve ord it will becoem a part of curriculum in local schools to make sure kids understand it is the alw in Midland ot not text and drive. big decision. whole heartedly support. Morales in curriculum how work? Ryder usually look at items of student safety in health courses. Very important part of teaching midland drivers teenagers. Dufford how mahy drivers do you think a ciel phone? Ryder last meeting to gain total wifi in secondary schools. pay for thru fund balance. bring device to school is part of curriculum. children do not learn the way older generation learned. Have to buy very few personal devices for children who dont' ahve them. needed to ramp up wwifi because their cultur and their lives. Dufford seen surveys think can text and drive safely 54% think they can. Going back to seat belt laws and dui laws created to protect because of todays society.

Phyllis Peek 3122 Tealwoodj Place, each received brochure shows research shows

while physically dialing increases chance 6X texting by 23X per USDOT. Formally worked in victim services with onside of victims of crime. any officer will tell you a person who texting or talking no skin marks because crash its not an accident. Most of time teach teen court remembers most time nearly been hit on Midland has not been by teenagers. it has been by adults who are distracted while driving. went across midkiff on golf course looked to on right. a lady in escalde was driving with her elbow smoking and texting. when light across did not look. Urge council to work on it wholeheartedly in favor. will go and talk anywhere. If have public hearing have holgram can do small exercise actually takes about 7 seconds when try to react and most cannot react.

Ignacio Lopez, 2304 Shandon, against texting and driving. Think overreach of government. Already laws against destructive driving. Not just because people are texting but number of other things. Most people haven't mastered art of driving and are distracted by other items. There are other things that can be done. Started taking pictures of police officers in texas driving changing lanes and nobody stop them. ONLY for citizens or also for police dept. since all moved to phone friendly hand user device way of life nobody pays attention any more. Already falls under distracted driver laws that already exist. this is way of enhancing someones political career. already laws but not happening. called city hall. in road construction in phones knocking over cones call police and no one arrives sometimes. There are people who have tinted windows you can't see what they are doing. Be fooling to think that this actually going to make a difference. There are already laws that are not enforced. Dufford you own trucking company? Ignacio yes they are not allowed to use phone or talk on phone already against law for 18 wheeler. If see on phone they are fired. a. Feels this is an overreach. Sparks advocate of paying attention while driving. Ignacio yes.

Nelson Spear 7010 Almay Ct. against all forms of distracted driving. known people adversely affected by distracted driver. Personally known people. problem with banning only one problem. One problem is texting observe conduct texting a traffic stop has to be conducted to confirm. Permitted to ask for cell phone but cannot take legally unless have warrant. supreme court decision listen 10:47. How prove this offense occurred unless actually saw. another problem is already law on books to deal with it for all distracted activity. this penalty is quite onerous reckless for disregard of safety or property. spoken to other lawyers about this and they agree covers all forms of distracted driving up to \$200 fine or jail. another problem with texting can lead to racial profiling. Sparks when talk about texting and driving brings to forefront should not text and drive. What ween is people don't believe texting and driving is a distraction and don't see as a problem. Bringing to forefront that texting is a distraction and does not trample on law discussing. As far as proof while officer cannot take phone can get warrant and look at records and phone companies has times that actually ending a text or receiving and can match with time that officer stopped them. Do you agree that can find out from phone company whether they were texting at a later date. Nelson used phone company to ascertain phone company subpoena. coordinating time periods of does that cell phone record match up with times. other problem is time. you can get a search warrant out in field but problem is going to tie up officer for texting and driving. these are things that can be considered. but to continue on about stop signs if actually observable offense. in best of circumstances a tinted window does not give reason to pull someone over. Even officers personal view has to. 1) all stand in agreement that distracted driving is bad. if law dropped about seat belts 99% would still be wearing seatbelts because good idea. while studies show if ban messing with car radio eating, drinking, smoking. As personal witness to debate can tell many reasons that 13 of 31

state senators for well considered reasons.

Lacy officer will not be able to grab phone from driver it states in ordinance. When an officer goes to court for being texting. how officer is going to say he observed head down and looking at something. might spilled some sauce and shirt. Dufford isn't more incumbent upon person ticketed to bring in cell phone records to say wasn't doing it when got citation. Nelson as prosecutor not up to him to prove innocence but prosecutor must prove guilt. Sparks idea is not to give tickets but to bring to forefront that should not be texting while driving for safety sake. Four years ago did public announcements and advertising but did not see that it improved after that. Nelson seat belt campaign did not get better until auto manufacturers agreed to that. A lot of self helping feature on cell phones on cars is not. Lady Bird Johnson disregarding littering laws to focus on littering problem not penalties. Love not against this ban but do have concerns about racial profiling and share same concerns. mentioned reckless driving \$200 and this \$500 so have concern of economic impact on district 2 citizens. And didn't consider about affordability of features on certain cars. thanks for those comments. Nelson your observation 21 senators several democrats crossed aisle based on concerns. Lacy 2/3 or rep vote in favor of it with 2/3 majority. Might mention been bracketed to Midland county it might have passed but to whole state and concerns.

Kent Crowell, 1703 Coventry Lane, MISD teacher 20 years and from first day to last day safety number one year. Been in contact with Robin Ferris for bike Texas. bicycling lobby in Austin. rec take close look at Thom Craddock pretty much like it is good piece of legislation. Haven't looked at all but riding bikes going to have on Sat 25th have 300 cycling at Apache and ride to Lames and then to Lubbock. have com pd and other sheriff's office and tx state guard have to have help on law making to protect against people that think they can do it all. looking at high school kid born with a cell phone they think they can do it all. five things that have to watch out for. 16-24 age. read pledge, watch speed. stay away, golden rules strive to keep drive alive. what happens if cyclist and not taking care of people on road. Had wonderful time got from California struck by large pickup truck numerous injuries driver stopped and returned he had been on cell phone and never saw bicyclist. He wears rear view mirror carry info with him always worried about getting hit by car with distracted driver when bicyclist. Lacy similar incident on motorcycle.

There being no one else wishing to speak, the public hearing was closed at 11:05 a.m.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9456 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Sparks don't think silver bullet. it isn't going to stop all distracted driving, running red lights, but just because can't come up with something that solves every problem ought to at least try to address problem talking about today. Been paying attention since brought up 4 years ago and haven't seen any improvement gotten worse. While may not address all problems that were brought up it's a start and ought to move forward.

Lacy agree. after spending last 18 months visually talking what's happened. support been on record. accident increase when texting. self-governance has to be some portion. Hope city of Midland will become 41st city in Texas banning texting. Love appreciate bringing issue to community. think important and in defense of ordinance

you do not see people in mass eating, smoking and doing making but do see people texting. his only concern is enforceability. It says if using electronic device for apps, well haven't bought a CD and sync with truck so listening to music through phone and might hit forward or rewind to listen to song again. The words would include any music that use and enforceability if in ord cannot actually get phone. How will it be enforced and not spend a lot of time in court with subpoenas. Price on enforceability. class C misdemeanor same as red light stop sign officer has to observe it. If ord passes go through piece by piece will be training on ord heard from chief in Naco Doches and enforcement. can dial a phone talk and hang up. They will be training. Officer will have to be sure of what he sees is texting. Love think that this might cause more harm./ someone who is texting like this has eyes on road and texting at wheel but when hide could be more dangerous. Morales but same as alcohol in styrofoam cup. Dufford don't know why do subscribe to Austin American Statesman they have gone through similar thing going through and every year since enacted ord started with 300 citations and distracted driving. Increased every year because easier for officers to recognize it. Not against ban (love) vote for but not doing job as Council if didn't raise concerns that his constituents might have. Morales ask Council to defer to second reading to August 11 to expand conversation to public to hit more of citizens to have conversation of enforcement. how it affects community and regionally how educate those citizens of how it passes. Love and gives chief time to break it down and plan of action of training and enforcement. Lacy that's why put effective date of October 1 if passed. Comment about enforcement is first time road bicycle but not ride fine practice makes perfect have to try to save lives. Hotchkiss of Council and whole room. How may feel seen someone texting while driving. Dufford that is reason asked superintendent about how many kids have cell phone. thought 54% think can text safely its actually 77%./ there are enough studies proven that impossible to surf and check emails while driving. take eyes off road. for a few seconds going 55 mph have traveled length of entire football field. Love with respect to stops and racial profiling it be subject to racial profiling law and counted accordingly. chief, yes. Lacy believe pd capable of enforcing ban. Chief when seat belt law went into affect had to educate. Robnett this is not a perfect ord by any means and not perfect enforceable but it a deterrent and if get questioned about it will be a deterrent a year ago didn't want anything to do with it. It is necessary significant det to save lives. Dufford took 2 tickets on click it or ticket to start wearing seat belt. Sparks agree with Robnett think just get if get stopped if don't received citation it makes you more aware of what you shouldn't be doing. People try to obey the law.. Dufford do we need if want to have another reading on second reading how do it on 11th of August. John vote on today and just won't put on until August 11. Lacy hold more public hearings in community at different times.

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

33. Hold a public hearing and consider a resolution on a request by Museum of the Southwest for approval of a Temporary Land Use Permit for an Outdoor Amusement Function on Lots 10 through 12, Block 93; Lots 1 through 12, Block 94; Lots 1 through 5, Block 105; and all of Block 104, West End Addition, City and County of Midland, Texas (Generally located on the south side of West Missouri Avenue, between South "J" Street and South "L" Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 209
RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN OUTDOOR

AMUSEMENT FUNCTION ON LOTS 10-12, BLOCK 93, LOTS 1-12, BLOCK 94, ALL OF BLOCK 104, INCLUDING HALEY PARK, AND LOTS 1-5, BLOCK 105, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF MISSOURI AVENUE, BETWEEN SOUTH "J" STREET AND SOUTH "L" STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting request by Museum of SW for annual SeptemberFest. The difference is proposing to be held partially in Haley Park. There was a lot of discussion included availability of electricity and will not accept anything except generators and won't trench to run electrical lines. extend hours of park beyond norm. Proposing on Friday night conduct preview party until 11 p.m. others hours 830 6 12-6 sat and sun. provide arts exhibits. alcohol consumed in park with no glass containers providing ad # of restrooms and provide security officer 12. According to past police reports one incident for false alarm call. do good job of monitoring operation. received one log and meet normal requirements staff rec approval. Dufford heard from some neighbors that are saying that museum of sw is becoming more and more intrusive every year in this event. this year going into Haley park why different this year. Chuck renovations taking place that inhibits ability to use their whole site. Dufford one and done? Chuck no indication. If reached out to talks in neighborhood and talked to about what doing or one and one deal because of renovations.. Lacy provision for trash pick up for certain radius? jChuck don't spell out 4 blocks. John clean up plan requirements but has to be approved by solid waste and they can take council direction. Love have we ever fenced off a city park? Yes blues fence hogan park for 4th. Love do we charge entity who is wanting. Love is museum of sw paying for use of park. Love COM charges for everything else just charged one of local dealers for test driving thing so trying to understand what difference is. charge for parking lot but not this. think on this situation may be more of traditional thing expansion into park would give latitude to say you are using our facilities.

Mayor Morales opened the public hearing at 11:27 a.m.

Brian Wisenhut, Ex Director of Museum of SW to answer question have used a portion of Haley Park but this year in process of renovating museum and improving for citizens of midland \$5.4 M renovation include new Scharbauer history center. don't have ability to use facility. Proposing to move part of preview party to south side of property and artist into Haley Park. Asking to use more of park than normally done in Haley Park. Try to remain in constant communication always available walking campus. Septemberfest is not just important festival but important fundraiser. Bring every 4th grader. Dufford just for this year alone. Dufford don't know if that is communicated to all neighbors. Dufford one time year. Brian normally use east side of park but this year more for these renovations. Food and drink will be on museum property. Temporary request. one weekend in september 46 year tradition. willing to do whatever to satisfy neighbor concerns. Lacy okay with getting volunteers with walking neighborhood and picking up trash. Hire boy scouts for weekend and will expand perimeter and helps them keep up with trash. work with green daisies which is recycling company for trash pick up. Hotchkiss seems that communication is key. Jewel of neighborhood but communication is important. Wondered if were time to come before Septemberfest to have question answer session to come and tell where things are to see layout to answer questions for them. Other big question was trash and already addressed. Brian host annual meeting with neighbors at last summer concert of season to address any

changes out of ord. They said didn't want to close of Indiana and never have. Next eyar 50th anniversary and reason for renovation. Trying ot make museum worthy of midland . Love museum no profit who did speak to aboutelectrical needs. Love dont' remember who spoke to. Pakrs dept as well as other offices. Love at no opint did rental fee come up indiscussions. Brian pay certain costs for applications and permits but never been asked to his knowledge to pay rental fee for portion of park. Love Museum juewe of neighborhood support vent. Courtney dont' have a schedule of fees for park rental do at sports complex that includes facility use of aprking lots but no fees for regular park use so taht is why he is not charged. Love if someone wants to rent pavillion. Courtney pavillions there is afee for that but hogan parrk for an open area tehre is not a fee. Lovej Blues fest for not charged for using Centennial Plaza. Courtney there is a fee schedule for centennial. Chamber was not charged for fee for Hogan park. Courtney nof ee schedule for that sort of use.

Greer Brunson 1900 Holloway, hurts to have to object to an event that enjoy and respect for 20 years. He consider the museum, Haley Library and Haley Park eparl of heritage district. It is an old tradiitonal distrcit, quiet neighborhood with a lot of families here a long time. some of them have asked to speak on their behalf because elderly or disabled. Spoke with homes directly next ot Haley Park or adjacent and have petition with signatures of all of them except for one who was not home. Try to enumerate objections. Had he not seen two weeks of some kind of disruption in park by contractors digging and haz mat suits for 10 days 2 weeks and putting flags down in middle of park. And everybody assume some kind of utility funciton. Finally going by park and saw electric truck sunk up to axles in park. and asked what doing. Told putting in electric line in aprk. Soccer teams play right there. Discovered they were hired by Museum of SW. Called parks and rec director and di not know putting in electric line. They did not have a permit. Seh told them to fill in trench and get out of park. At that point started investigating. Called City Hall and found yes museum expanding their project into Haley Park. Have they given applicaiton with site plan. Looked at Site Plan and copied. They told if give \$250,000 they will have on Museum property because they is how much . The question was they raise \$250,000 and they needed moneyf or support of next year. Fromt hat meeting if dont' want to be part of problem join board and be part of solution. Council has letter with objections. Robnett have objections? Bronson for 20 years have welcomed SeptemberFest although some inconvenience with parking and traffic always thought tha t was worth it. Have to see site plan to know difference. For those immediatley adjacent to Haley park to fence off entire jpark exclusively for 3 days amounts to circus coming to town. Main entrance to SeptemberFest directly across street from his home. Museum porposed to erect 15 portapotties, install unnamed number of vendor tents, Dufford, if your objection you don't want it at all, this is only this year. Dufford how much of inconvenience does it make for 3 days knowing that going back to last way. Mayor and if modifications made would it be okay. Greer this year different and wehn got to very proposition of fencing off entire city park for 3 days for fund raising event. Don't most people use horseshow or or another facility. Robnett unique situation because of remodel. Lacy understand both sides won't be completley happy understand concerns. can we get to solution so can sitll ahve it. For this one year get to a solution. Greer have not seen alleged interiors. they used to unload on aprking lot on musejm grounds not where unlaoad and load. Lacy any way get with both sides if defer to next meeting. Is is a communication probelm. They support museum. Populationw as n'twell rep wouldn't be bad idea to have another meeting. Greer don't want to spearhead this but looking for reason. Morales probalby can't handle today. Sparks recommend that two parties get together. Love would like

to look at petition. Morales if Council passes to move forward.

Brian Whisenhunt, main entrance is still on museum grounds. secondary entrance is one he is speaking off. artists will still load and unload to in parking lot. Willing to modify plan in more. Still working on modifying in this issue. Correct statement about saying i would put it back to where it was if \$250,000. Love when asked if defer it would cause delays if deferred to last agenda item or after we break for lunch can he Mr. Brunson and Mr. Haley get together to work something out it looks like not going to pass or will be deferred to another date. Do you think you can sit down and work out solution and explain what changes.

Frances Haley husband grandfather donated property to city for park. On first corner where Haley library gave two lots to his daughters and rest donated to city for park. understand that when museum of SW went in they lease property from city so they really don't own planetarium or childrens museum. Seems rather intrusive with their plans. Sparks supporter of museum do you think that can come to an agreement? Haley yes this one year but before make other plans intrusive into neighborhood should present to City. Morales talked to Council and staff can approve resolution with understanding that staff will sit down with museum to come up with.

Kirk Miller 1714 Holloway, his concern is portapotties outside his driveway. Don't want to smell them. His wife was pretty upset when using small portion of park when trying to go to funeral of one of her students and tried to get out and was blocked in. Fuyll supporters of museum, love being there think cool to step out on back deck to listen to music. Mr. Whisenhunt never complained of him playing drums on his property. Not opposed to it just reconfiguration of where portapotties are. It will be just one year so can live with it in regard to all additional traffic on surrounding streets.

Greer, in response to Mr. Love about whether City charges for this use after end of event traffic wear on park and surface damage is significant. Seems have done surface use agreement should be fee involved in repairing pretty park that.

Lacy to address issue or blocking drive way can have pd out their ticketing and towing.

There being no one else wishing to speak, the public hearing was closed at 12:05 p.m.

Mayor talking to legal can move forward with approval and say that work on site plan to get it adjusted or improved to help neighbors. Sparks if can't come to agreement. Dufford comfortable with giving staff ability to work through site plan and give them auth to work out with neighborhood and if staff ok with site plan. Robnett and Hotchkiss can be in and have CM approval. John reso before you has a site plan as exhibit A so need to amend reso to adopt site plan to auth CM to approve a site plan worked out amongst partner;s.

Council Member Lacy moved to adopt Resolution No. 2015 - 209 with amendment of authorizing CM to approve Site plan; 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.

schedule meeting this week.

34. Hold a public hearing and consider an ordinance on a request by Clear Springs Cafe for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on an 11,700-square foot portion of Lot 1, Block 3, Westridge Park Addition, Section 5, City and County of Midland, Texas (Generally located southwest of the intersection of Andrews Highway and Tradewinds Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9457

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS AN 11,700-SQUARE FOOT PORTION OF LOT 1, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF ANDREWS HIGHWAY AND TRADEWINDS BOULEVARD), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9457.

Chuck Harrington request by Clear Springs Cafe current sup for alco bev. during standard reveiw process have more seats that approved. asked app to amend sup to allow for more seating. now 345 seats isntead of 320 on previous sup. Reviewed and restricted seats in mezanine and no church or school in 300 feet. Other then that 11-10 and no loj rec approval.

Mayor Morales opened the public hearing at 12:10 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9457 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.

35. Hold a public hearing and consider an ordinance on a request by Faustino Quiroz for a Specific Use Permit without Term for a wireless communication system on Lot 1, Block 10, Lynside Addition, Section 2, City and County of Midland, Texas (Generally located southwest of the intersection of East Scharbauer Drive and North Tyler Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9458

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 10, LYN-side ADDITION, SECTION 2,

CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF EAST SCHARBAUER DRIVE AND NORTH TYLER STREET), WHICH IS PRESENTLY ZONED LR-3, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A WIRELESS COMMUNICATION SYSTEM; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9458.

Development Services Director Chuck Harrington gave a brief overview of the item noting request currently operate cell towers but need to offload to another tower. Tried to contact others and no space. In zoning district does require space to erect a tower. The closest residential 250 east and unmanned shelter 312 sq ft will screen tower with solid wooden fence. Certified search attempts made will be capable of supporting other carriers have approved by ?? rec approval on lot from p7z and none for this. Lacy how many cell phone towers in Midland? Chuck? Morales council always asked City space. Chuck part of ord.

Mayor Morales opened the public hearing at 12:13 p.m.

Vincent Huebing, 1705 Carlotta, here for questions. Love in ord have to make space available for other carriers please do with spring. Vincent everybody on bill program don't know about midland/odessa verizon putting in 12.

There being no one else wishing to speak, the public hearing was closed at 12:14 p.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9458 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Love personally know Mr and Mrs. Quiroz good citizens support this.

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

36. Hold a public hearing and consider a resolution on a request by St. Ann's Church for approval of a Temporary Land Use Permit for a Church Fair and Carnival on Lot 13, Block 71, West End Addition, Section 15, City and County of Midland, Texas (Generally located northeast of the intersection of "O" Street and Texas Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 210

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH FAIR AND CARNIVAL ON LOT 13, BLOCK 71, WEST END ADDITION, SECTION 15, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF "O" STREET AND TEXAS AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Chuck St. Anns Catholic Church Annul festival 67th annual. their prop carnival conducted all 4 days th-sun. fair only on saturday. . Dufford any changes to last years site plan or permit. not aware of.

chuck meet req.

Mayor MOrales opened the public hearing at 12:16 p.m.

Maye DeAnda 4509 Gleneagles, thank for support. Held on their property on both sides of Texas. There is one thing asking for lcosure of Texas on Saturday from stop sign to stop sign is only change. Hotchkiss done in past? Maye no won both sides pedestrian issue last year. Chuck street closure go througha nother dept. Dufford not a prt of what approving today.

trash pick up by cub scouts. There being no one else wishing to speak, the public hearing was closed at 12:19 p.m.

Council Member Lacy moved to adopt Resolution No. 2015 - 210; 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.

37. Hold a public hearing and consider an ordinance on a request by SBC, L.P. for approval of a zone change from PD, Planned District for a Shopping Center, to O-2, Office District, on an 11.31-acre tract of land within Tradewinds Boulevard and Champions Drive right-of-way; the remainder of Lot 1, Block 6, Westridge Park Addition, Section 6; and Lot 2, Block 6, Westridge Park Addition, Section 19; all located in the City and County of Midland, Texas (Generally located southeast of the intersection of Champions Drive and Tradewinds Boulevard). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9459

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING AN 11.31-ACRE TRACT OF LAND LOCATED WITHIN THE TRADEWINDS BOULEVARD AND CHAMPIONS DRIVE RIGHTS-OF-WAY, REMAINDER OF LOT 1, BLOCK 6, WESTRIDGE PARK ADDITION, SECTION 6, AND LOT 2, BLOCK 6, WESTRIDGE PARK ADDITION, SECTION 19, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF CHAMPIONS DRIVE AND TRADEWINDS 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 Karla Mata read the caption of Ordinance No. 9459.

Development Services Director Chuck Harrington gave a brief overview of the item noting request for parcel previously PDSC. EOG resources. tear down parking lot and existing parking garage and put in another office. need to change zoning. staff rec go to straight O-2 to deal with expansion of dev.e Occupied in 2012. Tehy have extreme heights. plan to mirror existitng bldg. Chuck staff feels ad contorls in lace and rec approval. Love taking parking garage and put parking lot and build another building. does that not create parking lot. New parking lot surface with covered structures. adequate parking. Chuck more than before. lacy parking garage not ad for big garages. Sparks change zone on colored part. Chuck hasn't gone through complete platting process.

Mayor Morales opened the public hearing at 12:23 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9459 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.

38. Hold a public hearing and consider an ordinance on a request by Lamar Advertising / Sue Brannon for a Specific Use Permit with Term for an Electronic Billboard, on a 1.807-acre tract of land out of Section 5, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of West Loop 250 North, approximately 675-feet west of North Midkiff Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9460

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 1.807-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 675 FEET WEST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR AN ELECTRONIC BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9460.

Development Serices Director chuck Harrington gave a brief overview of the item noting request by Lamar advertising. In October sup issued for current reg one side electronic one side vinyl. came back in permit digital side. received permit what erected was digital. requires sup to do so. amend orig sup to allow use. Dufford two elec billboards up there now. Lacy was that was originally asked for one and one. Hotchkiss what voted on by Council one and one but put up 2 elec. permitted one and one. Hotchkiss. voice objection because not to original permit.

Mayor Morales opened the public hearing at 12:26 p.m.

Phillis Peek 3122 Tealwood this is another form of distraction worse intersections for traffic accident might want to reconsider.

Chris Stokes Lamar 535 3 rivers, prior ord allowed for static face upgraded to digital. came to city and requested permit for digital in June 2014 because sawbto go up at kd bbq and cuthbert in Andrews. asked for direction from staff. emailed city attorney and met in their office but file permit and see what happens to change out face in consideration of digital ord at that time. It was approved. It was for a second digital phase now idea of ssup never issue but never raised to him.. that's why this administrative issue not a lmao done something wrong. Lacy was at that meeting vote by council was for static and digital. Chris because that was law at that time but state allowed to go back to back they were not violating. Lacy disagree. Morales assumption on your aprt. Request for permit and direction from staff. Sparks when requested permit for upgrade May June. Sparks one March of 2014 request does not request for digital sign. The LED signs clearly in amendment to staff not trying to hide anything. Love responsible for kurfuffle because distinctly remember this item when voted because talked about it extensively. Told CM and code that remember that was in violation. Personally don't think done anything malicious think it was a mistake or miscommunication or changing of laws or plat. Recognize Mr Stokes Excellent corp citizen in Midland. Had billboards avail for amber alerts, police. sole purpose of bring kenw there was a violation and wanted it to be corrected. Have letter of support and no objection to community. tried to follow all rules. Hotchkiss unanimous support was for one elec and one vinyl. Chris p7z 2 weeks ago. Sparks permit for first said digital second did not say digital permit issues for first was digital second was not digital.

Love need to put a new system in place to catch errors. was ever static sign there and then upgraded. Hotchkiss called on as City Council to provide for the good of the citizens of Midland. Don't see how adding second electronic sign is for good of citizens. Lacy sure property owners. Chris have 5 letters of support including chamber of commerce. Dufford that's all fine and dandy how about public service announcements for texting ban. Chris absolutely. Hotchkiss in past when elec billboard added asked in new ord one has to be removed if you were to remove a billboard that would make fit existing ord. then completely straight. Chris removed several billboard in town comes to mind on Front street for digital choice voluntarily lost stack back of back on north big spring and front street what is now where. Hotchkiss are you willing to do again. Chris willing to do that when comes up don't have anything in back pocket. Robnett tough to commit to now. chuck hear what Chris is saying if providing documentation that signs came down after this went up so would satisfy intent of ordinance. The ones he took down if past point. Love not a new billboard auth it. chuck could give something that would document that.

There being no one else wishing to speak, the public hearing was closed at 12:38 p.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9460 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

Hotchkiss do appreciate. served with Lamarj always beent ehre added points to make elec sign ord better. also have supported in not in our town. clsoe to heart is also support non profits. this is part of commmunityd. you aprpreciated.

39. Hold a public hearing and consider an ordinance on a request by Reagan Hignojo for a Special Exception to the Zoning Code concerning the front yard setback on Lot 4, Block 9, Berkshire Place, City and County of Midland, Texas (Generally located on the south side of Gulf Avenue, approximately 200-feet east of North Garfield Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9461

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 4, BLOCK 9, BERKSHIRE PLACE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF GULF AVENUE, APPROXIMATELY 200 FEET EAST OF NORTH GARFIELD STREET), BY PERMITTING AN ENCROACHMENT INTO THE REQUIRED FRONT YARD SETBACK FOR AN ACCESSORY STRUCTURE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9461.

Development Services Director Chuck Harrington gave a brief overview of the item noting applicant lives in area where homes have more than required setback average 32 feet from front property line. Section requires 30% of developed block and has to observe average setback. this request put front porch on home that will encroach into front yard set back 4 feet. still less than normal. no one feel several multiple phone calls from neighbor no neg comments. in this instance have to take a look at section think intended for vacant no adding onto existing structures. staff rec approval. Dufford once staff sees goes up. Hotchkiss think this is one block it isn't where setbacks are 32 feet instead of 25 feet. extra 7 feet back.

Love in favor of this? Chuck when orig done Mr. Love understate law have to have hardship generated to approve something in this case argue this is a hardship only impacts this block the rest of homes are reg setbacks so unique to property. if had normal 25 wouldn't be in here. Love don't see how hardships. Chuck can be all sorts of hardships. in this case this part block has unique requirements. Love just this block or entire street. Chuck just one block. Dufford in estimation don't think change characteristic of neighborhood. Chuck section talking about home here and home here didn't want looking into back this is talking about a porch. Dufford is it going. phone call because curious but no objection.

Mayor Morales opened the public hearing at 12:46 a.m.

Reagan Hignojo, 1605 Delmar, has visual aids, 4th floor has been very helpful. Came in to work and probably the reason why easy to do construction in Midland. Love covered porch. Reagan yes.

There being no one else wishing to speak, the public hearing was closed at 12:47 p.m.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9461 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.

MISCELLANEOUS

40. Approved a motion appealing the Building Official's denial of a sign permit application by Flying J Travel Centers, LLC located on 3302 E. Highway 158, Midland, Texas. (DEVELOPMENT SERVICES)

Chuck similar to previous request 4 weeks ago travel center proposing to come intraditional signage doesn't meet like to see at location. visited with them. some changes made but still had unresolved issues. applied for 60 foot sign on interstate allow for 40 foot. Restriction in this area is 30 foot. two pole signs per code only allowed to have 1. 1, 244 sq ft signage more than 300 sq ft normal. One thing on this one is larger directionals if restrict 4x4 each. revised down from 1400 to 1121 and applause for that but can't support request for 60 foot sign and would like to see reduction to directionals. Love allow by right 40 foot signs next to interstate but different situation because not on interstate on 158 and reason wanting 60 feet want to be able to see interstate 20 is elevated in that area. Chuck his response is two fold. one if buy piece of property not in interstate don't have same abilities you get reduced price. secondly if apply logic to other locations where do you stop further up 250 can put bigger sign up. Love McDonalds on Rankin next to interstate it looks like higher than normal don't know history. that's an example. Dufford agree to Chuck where do you stop?

Love no residential in there all industrial and commercial, set way back don't have problem with 60 feet. Dufford why not give them 80. Chuck think have to be careful is starting down a slippery slope. Robnett two stripes on 158 and adjacent to property how tall is sign. Chuck 40 feet. Love stripes with two location is enough to pull traffic off close to freeway.

Chuck suggest if reduce to 60 feet why not keep relieve same level as interstate don't go above and beyond. only 10 feet more than allow. Dufford good at 40. Hotchkiss still have directional signs to discuss. Sparks standpoint of consistency rec that ask pilot to do same thing Love make directional signs smaller so not included in square footage. think have to make rec to push so hard against loves.

Love at edge of City limits no residential areas its pipeyards and stripes.

Council Member Sparks moved to approve motion appealing the Building Official's denial of a sign permit application by Flying J Travel Centers, LLC located on 3302 E. Highway 158, Midland, Texas.; seconded by Council Member Love.

Council Member Sparks moved to amend the motion by reduce all directional signs to 4 sq feet maximum ; seconded by .; 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.

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

Love couple of weeks ago had elctrical problems. Sue MErcer attends session and wasn't there becasue Oncor working diligently to restore services back to customers and publicially thanked her.

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

Council Member Lacy moved to apoitn LouAnn Morgan Animal SErvice, Heather Massey to replace Barbara McNealy on Matthew Wallace to Gregg Turner to new position on zoning board; 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.

Council Member Hotchkiss moved to appoint Stacy Grosse ZBA ; 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.

Council Member Love moved to appoint Hotchkiss to MOUTD ; 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.

adj 1:05 p.m.

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

PASSED AND APPROVED the __ day of ____, 2015.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary