

**MIDLAND CITY COUNCIL
MINUTES
July 22, 2014**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on July 22, 2014.

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

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 Services Director Jose Ortiz, Director of Airports Justine Ruff, Planning Division Manager Jessica ____, Building Official Steve Thorpe, and Public Information Officer Sara Bustilloz.

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 22, 2014.

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

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

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

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

PUBLIC COMMENT

Glenda Southerland 728 Beckley daughter received a letter in the mail had taken fence and had delivered to house. Put behind fence and broke off some of it so laying behind fence waiting for person to come put it in. This is second time she's received letter. Asked to take look at alleys in her area trash has been there for 3 years and nothing has been done about it. Reported problems and nothing done. Shared pictures of behind her house problem in her area. Her area is being neglected. Proposed report to City to Steve Thorpe and let him know what's going on in area. Get a lot of conflict as long as want to be put on agenda.

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

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 5 - 23 excluding 7, 21, 22; seconded by Council Member Dufford.

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

5. Approved a motion approving the following minutes:

Council Member Lacy moved to approve Consent Agenda items 5 - 23 excluding 7, 21, 22; seconded by Council Member Dufford.

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

- a. Special meeting of July 7, 2014.

Council Member Lacy moved to approve Consent Agenda items 5 - 23 excluding 7, 21, 22; seconded by Council Member Dufford.

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

- b. Regular meeting of July 8, 2014.

Council Member Lacy moved to approve Consent Agenda items 5 - 23 excluding 7, 21, 22; seconded by Council Member Dufford.

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

6. Approved a resolution approving plans and specifications and authorizing advertisement for bids for improvements to the Bill Williams Concessions and Umpire's Buildings for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2014 - 208

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR IMPROVEMENTS TO THE BILL WILLIAMS CONCESSIONS AND UMPIRE'S BUILDINGS AT THE BILL WILLIAMS SOFTBALL COMPLEX LOCATED AT 1201 E. WADLEY AVENUE.

Council Member Lacy moved to approve Consent Agenda items 5 - 23 excluding 7, 21, 22; seconded by Council Member Dufford.

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

8. Approved a resolution approving a request for qualifications for design services for fields at Bill Williams Complex, Hogan Park and the Scharbauer Sports Complex for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2014 - 229

RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ISSUE A REQUEST FOR QUALIFICATIONS FOR DESIGN SERVICES FOR FIELDS AT BILL WILLIAMS COMPLEX, HOGAN PARK, AND THE SCHARBAUER SPORTS COMPLEX

Council Member Lacy moved to approve Consent Agenda items 5 - 23 excluding 7, 21, 22; seconded by Council Member Dufford.

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

9. Approved a resolution approving the issuance of a request for qualifications for oversight of the wastewater plant upgrades for secondary treatment for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2014 - 230

RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ISSUE A REQUEST FOR QUALIFICATIONS FOR AN ENGINEERING FIRM TO OVERSEE WASTEWATER PLANT UPGRADES FOR SECONDARY TREATMENT AT THE CITY OF MIDLAND'S WASTEWATER TREATMENT PLANT FOR THE UTILITIES DEPARTMENT

Council Member Lacy moved to approve Consent Agenda items 5 - 23 excluding 7, 21, 22; seconded by Council Member Dufford.

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

10. Approved a resolution authorizing the amendment of the Airport Minimum Standards which governs the standard operations of Midland International Airport and Midland Airpark. (AIRPORTS)

RESOLUTION NO. 2014 - 231

RESOLUTION AUTHORIZING AN AMENDMENT TO ARTICLE VI, "REQUIREMENTS APPLICABLE TO FIXED BASE OPERATORS," SECTION 6.01, "MINIMUM STANDARDS FOR FIXED BASED OPERATORS," PARAGRAPH (E), "RATES AND CHARGES," AND ESTABLISHING PARAGRAPH (L), "ASSIGNMENT AND SUBLEASE," OF THE AIRPORT MINIMUM STANDARDS AND REQUIREMENTS, WHICH GOVERN THE STANDARD OPERATIONS AT MIDLAND INTERNATIONAL AIRPORT AND MIDLAND AIRPARK; AND ESTABLISHING AN EFFECTIVE DATE OF JULY 26, 2014

Council Member Lacy moved to approve Consent Agenda items 5 - 23 excluding 7, 21, 22; seconded by Council Member Dufford.

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

11. Approved a resolution approving the issuance of a permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Isbell No 104D) located 2,416 feet from the north line and 1,472 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the extension of Solomon Lane, approximately 1,472 feet east of State Highway 349.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 232

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,416 FEET FROM THE NORTH LINE AND 1,472 FEET FROM THE WEST LINE, SECTION 1, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE EXTENSION OF SOLOMON LANE, APPROXIMATELY 1,472 FEET EAST OF STATE HIGHWAY 349).

Council Member Lacy moved to approve Consent Agenda items 5 - 23 excluding 7, 21, 22; seconded by Council Member Dufford.

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

12. Approved a resolution approving the issuance of a permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Isbell Hz Unit No 105H) located 2,416 feet from the north line and 1,522 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas.

(Generally located on the north side of the extension of Solomon Lane, approximately 1,522 feet east of State Highway 349.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 233

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,416 FEET FROM THE NORTH LINE AND 1,522 FEET FROM THE WEST LINE, SECTION 1, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE EXTENSION OF SOLOMON LANE, APPROXIMATELY 1,522 FEET EAST OF STATE HIGHWAY 349).

Council Member Lacy moved to approve Consent Agenda items 5 - 23 excluding 7, 21, 22; seconded by Council Member Dufford.

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

13. Approved a resolution approving the issuance of a permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Isbell Hz Unit No 106H) located 2,416 feet from the north line and 1,572 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the extension of Solomon Lane, approximately 1,572 feet east of State Highway 349.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 234

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,416 FEET FROM THE NORTH LINE AND 1,572 FEET FROM THE WEST LINE, SECTION 1, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE EXTENSION OF SOLOMON LANE, APPROXIMATELY 1,572 FEET EAST OF STATE HIGHWAY 349).

Council Member Lacy moved to approve Consent Agenda items 5 - 23 excluding 7, 21, 22; seconded by Council Member Dufford.

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

14. Approved a resolution approving the issuance of a permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Isbell No 107D) located 2,416 feet from the north line and 1,622 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the extension of Solomon Lane, approximately 1,622 feet east of State Highway 349.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 235

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE

CITY LIMITS LOCATED 2,416 FEET FROM THE NORTH LINE AND 1,622 FEET FROM THE WEST LINE, SECTION 1, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE EXTENSION OF SOLOMON LANE, APPROXIMATELY 1,622 FEET EAST OF STATE HIGHWAY 349).

Council Member Lacy moved to approve Consent Agenda items 5 - 23 excluding 7, 21, 22; seconded by Council Member Dufford.

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

15. Approved a resolution authorizing the execution of a road repair agreement with High Sky Partners LLC, regarding its applications to drill oil and gas wells (Isbell No 104D, Isbell Hz Unit No 105H, Isbell Hz Unit No 106H, Isbell No 107D) within the City limits, in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland Texas. The Road Repair Agreement will cover Solomon Lane and Fairgrounds Road and be in the amount of \$75,000.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 236

RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH HIGH SKY PARTNERS, LLC REGARDING ITS APPLICATIONS TO DRILL OIL AND GAS WELLS (ISBELL WELLS) WITHIN THE CITY LIMITS IN SECTION 1, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS.

Council Member Lacy moved to approve Consent Agenda items 5 - 23 excluding 7, 21, 22; seconded by Council Member Dufford.

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

16. Approved a resolution approving the issuance of a permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Nickel No 101D) located 320 feet from the north line and 1,160 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the south side of Mockingbird Lane, approximately 1,160 feet east of Big Spring Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 237

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 320 FEET FROM THE NORTH LINE AND 1,160 FEET FROM THE WEST LINE, SECTION 1, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF MOCKINGBIRD LANE, APPROXIMATELY 1,160 FEET EAST OF BIG SPRING STREET).

Council Member Lacy moved to approve Consent Agenda items 5 - 23 excluding 7, 21, 22; seconded by Council Member Dufford.

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

17. Approved a resolution approving the issuance of a permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Nickel No 102D) located 320 feet from the north line and 1,210 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the south side of Mockingbird Lane, approximately 1,210 feet east of Big Spring Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 238

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 320 FEET FROM THE NORTH LINE AND 1,210 FEET FROM THE WEST LINE, SECTION 1, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF MOCKINGBIRD LANE, APPROXIMATELY 1,210 FEET EAST OF BIG SPRING STREET).

Council Member Lacy moved to approve Consent Agenda items 5 - 23 excluding 7, 21, 22; seconded by Council Member Dufford.

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

18. Approved a resolution authorizing the execution of a road repair agreement with High Sky Partners LLC, regarding its applications to drill oil and gas wells (Nickel No 101D & Nickel No 102D) within the City Limits, in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland Texas. The Road Repair Agreement will cover Mockingbird Lane and be in the amount of \$75,000.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 239

RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH HIGH SKY PARTNERS, LLC REGARDING ITS APPLICATIONS TO DRILL OIL AND GAS WELLS (NICKEL WELLS) WITHIN THE CITY LIMITS IN SECTION 1, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS.

Council Member Lacy moved to approve Consent Agenda items 5 - 23 excluding 7, 21, 22; seconded by Council Member Dufford.

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

19. Consider a Resolution to Authorize a Right-of-Way license and a Surface Damage Agreement with High Sky Partners, LLC, for the installation and maintenance of up to three (3) crude oil pipelines, not to exceed 4 inches in diameter, located along Mockingbird and Fairgrounds Rd right of way in Block X, Section 1, H.P. Hilliard Survey, Midland, TX. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 240

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND HIGH SKY PARTNERS, LLC; SAID RIGHT-OF-WAY LICENSE IS FOR ENTERING CITY OF MIDLAND'S PROPERTY FOR THE PURPOSE OF PLACING, INSTALLING, CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND REMOVING THREE (3) CRUDE OIL PIPELINES AND TO HAVE THE RIGHT OF INGRESS AND EGRESS AT CONVENIENT POINTS FOR SUCH PURPOSE; THE PROPERTY IS LOCATED IN MIDLAND COUNTY, TEXAS, BEING SECTION 1, BLOCK "X", H.P. HILLIARD SURVEY; THE LICENSE TERM IS FOR FIVE (5) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE AND SHALL AUTOMATICALLY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL FIVE (5) YEAR TERM UPON 120 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

Council Member Lacy moved to approve Consent Agenda items 5 - 23 excluding 7, 21, 22; seconded by Council Member Dufford.

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

20. Approved a resolution approving the issuance of a permit to Rust Oil Corporation (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Smith Hughes "9" No. 2) located 200 feet from the east line and 2,350 feet from the south line located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Mockingbird Lane, approximately 200 feet west of the extension of north Garfield Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 241

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RUST OIL CORPORATION ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 200 FEET FROM THE EAST LINE AND 2,350 FEET FROM THE SOUTH LINE, SECTION 9, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF MOCKINGBIRD LANE, APPROXIMATELY 200 FEET WEST OF THE EXTENSION OF NORTH GARFIELD STREET); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT.

Council Member Lacy moved to approve Consent Agenda items 5 - 23 excluding 7, 21, 22; seconded by Council Member Dufford.

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

23. Approved a resolution authorizing the execution of a Public Improvement Development Agreement with Jonathan J. Evans and spouse Sandra Evans in the amount of \$83,670 for the future design and construction of paving improvements to serve the Sprayberry Winery Plaza Addition; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 244

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH JONATHAN J. EVANS AND SPOUSE SANDRA EVANS FOR PAVING IMPROVEMENTS TO NORTH MIDKIFF ROAD ADJACENT TO SPRAYBERRY WINERY PLAZA ADDITION; AND APPROPRIATING FUNDS THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

Council Member Lacy moved to approve Consent Agenda items 5 - 23 excluding 7, 21, 22; seconded by Council Member Dufford.

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

7. Approved a resolution approving a contract for the Doug Russell Pool Renovation Project for the Community Services Department; and appropriating funds. (PURCHASING)

RESOLUTION NO. 2014 - 228

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE DOUG RUSSELL POOL RENOVATION PROJECT WITH THE LOWEST AND MOST RESPONSIBLE BIDDER, ATLANTIS POOL PLASTERING, INCORPORATED DBA ATLANTIS AQUATIC GROUP FROM AUSTIN, TEXAS, IN THE AMOUNT OF \$3,112,400.00; RESERVING THE RIGHT NOT TO REJECT THE ALTERNATE BIDS IN ORDER TO ALLOW EVALUATION AND THE POSSIBLE ADDITION OF THOSE ITEMS TO THE RENOVATION PROJECT AT A LATER DATE; AND APPROPRIATING FUNDS

Love pulled give willimas opportunity to explain. Laurie received bids base bid set up for everything proposed 3 slides proposed 1 as alt shade as alt becasue of bids 10% over arch est. asking approve base bid and don't throw out alternate bids so can come up with money to persue alternates as contract goes along.

Love prciing. Laurie spoke with contractors okey thorough May. Moreales is psoted at MLK. Laurie on website.

Council Member Lacy moved to adopt Resolution No. 2014 - 228; seconded by Council Member Dufford.

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

21. Approved a resolution approving the issuance of a permit to Bluestem Energy Holdings, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Evans K 1) located 1,954 feet from the south line and 1,974 feet from the west line located in Section 8, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Mockingbird Lane, approximately 1,974 feet east of Midland Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 242

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO BLUESTEM ENERGY HOLDINGS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE

CITY LIMITS LOCATED 1,954 FEET FROM THE SOUTH LINE AND 1,974 FEET FROM THE WEST LINE, SECTION 8, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF MOCKINGBIRD LANE, APPROXIMATELY 1,974 FEET EAST OF MIDLAND DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT.

Council Member Dufford moved to adopt Resolution No. 2014 - 242 with amendment to require building fence similar to Mockingbird Heights Development; seconded by Council Member Lacy.

Dufford pulled 21 and 22 believe BlueStem energy needs to build their fence around perimeters consistent with Mockinbrid Heights nieghborhood since within 500 feet of some of homes. Similar to what required Midland Energy to do on east side of Big Spring amend to require fence. Morales what type of fence. Ron wood fence with brick pillars.

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

22. Approved a resolution approving the issuance of a permit to Bluestem Energy Holdings, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Evans L 1) located 1,954 feet from the south line and 1,944 feet from the west line located in Section 8, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Mockingbird Lane, approximately 1,944 feet east of Midland Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 243

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO BLUESTEM ENERGY HOLDINGS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 1,954 FEET FROM THE SOUTH LINE AND 1,944 FEET FROM THE WEST LINE, SECTION 8, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF MOCKINGBIRD LANE, APPROXIMATELY 1,944 FEET EAST OF MIDLAND DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT.

Council Member Dufford moved to adopt Resolution No. 2014 - 243 with amendment to require building fence similar to Mockingbird Heights; seconded by Council Member Lacy.

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

SECOND READINGS

24. Consider an ordinance on second reading 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) (First reading held July 08, 2014)

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9292.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9292 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

25. Consider an ordinance on second reading 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) (First reading held July 08, 2014)

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9293.

Council Member Love moved to approve the second and final reading of Ordinance No. 9293 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Lacy will he be able to put sidewalks in at later date? Hotchkiss it is defer until needed.

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

26. Consider an ordinance on second reading 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) (First reading held July 08, 2014)

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9294.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9294 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Council Member Lacy moved to amend the motion by section 2 F to thursday through Sunday ; seconded by .; seconded by Council Member Love.

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

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

27. Consider an ordinance on second reading 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, Wydeewood 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) (First reading held July 08, 2014.)

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9295.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9295 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Lacy is lang in for amendment yes

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

28. Consider an ordinance on second reading 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) (First reading held July 08, 2014.)

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9296.

Council Member Love moved to approve the second and final reading of Ordinance No. 9296 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

29. Consider an ordinance on second reading 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) (First reading held July 08, 2014.)

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9297.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9297 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

PUBLIC HEARINGS

30. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Marshall Elmore – Team Drilling System, Inc. for a zone change from PD, Planned District for a Shopping Center to C-3, Commercial District on Lot 2, Block 1, West 80 Industrial Park, Section 5, City and County of Midland, Texas. (Generally located northeast of the intersection of Beal Parkway and Wall Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9299

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2, BLOCK 1, WEST 80 INDUSTRIAL PARK, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS A C-3, COMMERCIAL DISTRICT (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE

INTERSECTION OF BEAL PARWAY AND WALL STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting this request for 2.6 acre parcel located along west wall at intersection Beal. Property zoned pd for sc but other areas adjacent are zoned C-3 so not out of ord to convert to that use. propose to locate machine shop in area. staff has reviewed and p7z and recommends approval.

Mayor Morales oph 10:31 a.m. cph

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9299.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9299 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Love this is going from pdsc to a c3 not pdsc governed by c3. chuck correct. Lacy amend to include sit eplan approval.

Council Member Lacy moved to amend the motion by requiring site plan approval by City Council ; seconded by .; seconded by Council Member Love.

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

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

31. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by Choice Outdoor for a Specific Use Permit with Term for a Billboard on Lots 11 and 12, Block 40, College Heights, City and County of Midland, Texas. (Generally located northwest of the intersection of South Garfield Street and Front Street). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9300

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS 11 AND 12, BLOCK 40, COLLEGE HEIGHTS, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH GARFIELD STREET AND FRONT STREET), WHICH IS PRESENTLY ZONED C-3, COMMERCIAL 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

Development Services Director Chuck Harrington gave a brief overview of the item noting request for outdoor advertising for location of off premises billboard. one side electronic west face will be vinyl. in c-3 district allowed use along front street. became available because another company took a sign down. prop max height 30 feet 300 sq ft. One thing will be taken down is old Texaco sign that will be removed as part of this. Reviewed and find meets billboard and signcode requirements and meets policy adopted by p7z. p7z reviewed july 7 and rec approval and staff rec approval. did receive letter of opposition. Dufford how doing on new revised billboard and sign ordinance. chuck approx 30 days out gotten info from other cities trying to work with consultant on zoning ord. Dufford in that vein make motion to defer until finish with new revised ord because may or may not fit criteria. In all fairness took other sign down because wanted to put another sign and defer until new sign ord in place.

Mayor Morales oph 10:45 a.m.

Brad Tooley, 1 Water cover Ct Canyon Texas. Wehn applied for permit for billboard consistent with zoning c-3 and got all set backs distance from residential staff rec and have p7z rec. ask that approve because went by rules chance to take blighted area and move towards more modern. Lacy have another one deferred so need to be consistent with all companies. Morales also have a Council Member who has been working on would like her to be present for this discussion. Hope you understand and appreciate. Love have concern Lamar reason to put sign in location is because Lamar removed on in that area because wanting to put another sign in another location of City. They don't want to increase number of billboards and they are going to put a new sign up which goes against what Lmar is doing, please address that. Brad kind of like cap in place system if have that in place would be glad to follow suit on that. That would be mean reducing one of your existing signs. Brad if tha tis what would be required by law then we would do that. Lamar is largest publicly traded in United States if not the world. It helps to have local competition to let an independent company come in. Love I agree and owuld like tos ee billboard at that location but encourage him to establish a dialogue to work together.

cph 10:49 a.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9300.

Council Member Dufford moved to defer ; seconded by Council Member Love.

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

Love when will ord be approved. chuck finish writing draft doc and clal together committe of industry professions, staff and some Council anticipate bring forward second meeting in august.

32. At approximately 10:39 A.M. hold a public hearing and consider an ordinance on a request by Debbie's Inc. for the vacation of a 0.103-acre portion of public right-of-way located on Summit Avenue adjacent to Lot 2A, Block 52, Belmont Addition, Section 12, City and County of Midland, Texas. (Generally located on the intersection of Belmont Street and Summit Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9301

AN ORDINANCE VACATING AND ABANDONING A 0.103-ACRE PORTION OF SUMMIT AVENUE RIGHT-OF-WAY ADJACENT TO LOT 2A, BLOCK 52, BELMONT ADDITION, SECTION 12, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF BELMONT STREET AND SUMMIT AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$2,700.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Development Services Director Chuck Harrington gave a brief overview of the item noting this request by Debbie's Inc for portion of Summit ave to enlarge site to develop as Shopping Center. Abandon portion road has never been opened never been roadway does serve some utilities. staff recommend abandoning ???ext 12 ft sewer 10:53. Love problem in this area is street is too narrow and now make another street narrower. chuck looked at on this case Summit to east is never going to be a street but trying to look for outlet as alley. love unless church abdicates it will never be fixed.

Mayor Morales 10:54

Fritz VanNest White Oak property under contract build 19600 sq ft retail center and couple rest wingstop. within ?? 10:55 a.m.

cph 10:55 a.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9301.

Council Member Love moved approval of the first of two readings of Ordinance No. 9301 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

33. At approximately 10:42 A.M. hold a public hearing and consider a resolution on a request by Community and Senior Services for a Temporary Land Use Permit for a philanthropic event (Garage Sale), on the west 51.5 feet of Lot 5, all of Lots 6 through 10 and the east 33 feet of Lot 11, Block 8, Loma Linda Replat, City and County of Midland, Texas. (Generally located on the north side of Scharbauer Drive, 250 feet west of Lamesa Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 2014-245

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A PHILANTHROPIC EVENT ON THE WEST 51.5 FEET OF LOT 5, ALL OF LOTS 6-10, AND THE EAST 22 FEET OF LOT 11, BLOCK 8, LOMA LINDA REPLAT, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF SCHARBAUER DRIVE, APPROXIMATELY 250 FEET WEST OF LAMESA ROAD); 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 community and senior svcs for 20th annual garage sale this 3 days proposed fri sun oct 17 19. no street closures no outdoor music no alcoholic beverage. limited

parking will provide shuttle vans will have off duty security staff rec approval fo request.

Mayor Morales oph 10:57 a.m.

Brandon Hodges, 3600 sinclair Avenue, work with community and sneior services head of volunteer service at warehouse. want to make quick adjustment 25th anniversary of garage sale. happy to be doing this year and have seen arlene and taking over for her position.

cph 10:58 a.m.

Council Member Love moved to adopt Resolution No. 2014-245; seconded by Council Member Lacy.

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

34. At approximately 10:48 A.M. hold a public hearing and consider an ordinance in a city-initiated request to amend Chapter 11 "Airport Height Hazard and Land Use Zoning" to Title XI, "Planning and Development" of the City Code. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9302

AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO DELETE CHAPTER 11 AND REPLACE SAID CHAPTER WITH A NEW CHAPTER 11, "AIRPORT HEIGHT HAZARD AND COMPATIBLE LAND USE ZONING", IN ORDER TO PROVIDE FOR THE PUBLIC HEALTH, PUBLIC SAFETY AND GENERAL WELFARE BY PROHIBITING AIRPORT HAZARDS WITHIN THE VICINITY OF MIDLAND INTERNATIONAL AIRPORT AND MIDLAND AIRPARK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2000.00); AND ORDERING PUBLICATION.

Airports Director Marv Esterly gave a brief overview of the item noting here to amend airport height hazards in and around airport. adopted in 2007 large portion chagned in current ord is overlay zoning #4 that would protect spaceport corridors at mid intl airport. city invested considerable amount of resources in Airport. Know the permina basin region and airport region bneefit greatly with launch site but also know airport hazards of users and surround. this protects investment in midintl system from land hazards. prev sids fed law requires airport onwers to take appropritate action to restrict land in area of airport. Feel this meets on fed and state obligations. on Jul 7 p7z met and reviewed ord and made rec for approval.

Morales everything still intact from that pres at briefing. Marv correct maps have changed slightly shared changes.

Mayor MOrales oph 11:02 a.m. cph

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9302.

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

9302 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

MISCELLANEOUS

35. Approved a resolution recording the vote on a proposal to consider an ad valorem tax rate for FY 2014-2015 and establish to hold public hearings on the proposed tax rate. (FINANCE)

RESOLUTION NO. 2014 - 246

RESOLUTION RECORDING A VOTE ON A PROPOSAL TO CONSIDER AN AD VALOREM TAX RATE FOR THE FISCAL YEAR 2014 - 2015 AND TO ESTABLISH DATES TO HOLD PUBLIC HEARINGS ON THE PROPOSED TAX RATE; AND TO ESTABLISH DATES WHEN THERE WILL BE A RECORD VOTE ON THE TAX RATE; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO POST ALL APPROPRIATE NOTICES

Finance Director Pamela Simecka gave a brief overview of the item noting did not make a decision on TIRZ if out it will lower effective rate rec at this point will be to go with higher rate. Did figure out what roll back rate was but with TIRZ out the rollback rate is .424551 what we had proposed assessed valuation if leaving TIRZ right about where talked about proposed effective rate. at this point rec will establish a cap highest rate possible you can lower it during budget 41.98 cents will keep up under rollback in case take TIRZ out but give flexibility. dufford with TIRZ out the rollback rate which dont want to go what looking at effective plus 3% is 41.98 almost. staff is rec ?? 11:07 a.m. Dufford tell one more time what is pot new tax rate be courtney real rough effective 3824 sitll propose effect plus 3 3839 vote on 41.98 number that iwll be ceiling cant go above but can lower it. not 41.98 is 38.39. Courtney rollback rate Council can raised effective plus 8% then that % is subject to action vote. Value of houses went up from preliminary had and new one. MSA when talk about 4.6% growth rate we're still seeing in 4% ragne. Dufford what about inflation? Courtney its difficult to do. take a stab at it from inflation standpoint of what citizens see is different than muni govt. We generally come to council of effective plus 3% but doesn't take into consideration population. Dufford do pretty good jbo with tax payer dollar because don't go higher than inflation and we do a good job. Jerry any dates. ph scheduled august 5 and august 12 had origi req aug 5 as 6 p.m. meeting but that is National night out so perhaps change change August 12 meeting to August 6. Courtney regular meeting recess and reconvene at 6 p.m consensus received. Lacy set cap of 4198. john amend to include tax rate and public eharing are in it.

Council Member Lacy moved to adopt Resolution No. 2014 - 246 with amendment to cap tax rate at .4198; seconded by Council Member Love.

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

36. Approved a motion on a request for the annexation of a 2.35-acre tract of land out of

Section 31, Block 40, T-1-S, T&P RR Company Survey and a 36.14-acre tract of land out of Section 32, Block 40, T-1-S, T&P RR Company Survey, Midland County, Texas. (Generally located approximately 650 feet north of State Highway 191, 400 feet west of North County Road 1278.) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting request by Quatro Compadres LP to be annexed into City Limits. Desire to obtain City utilities and have to be annexed. voluntary. staff reviewed relative to airport zoning find no objection. this is for direction. Lacy development in country estates.

Council Member Lacy moved to approve a motion on a request for the annexation of a 2.35-acre tract of land out of Section 31, Block 40, T-1-S, T&P RR Company Survey and a 36.14-acre tract of land out of Section 32, Block 40, T-1-S, T&P RR Company Survey, Midland County, Texas. (Generally located approximately 650 feet north of State Highway 191, 400 feet west of North County Road 1278.); seconded by Council Member Dufford.

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

37. Consider an ordinance amending existing ordinance no. 9064 establishing a 40 mph speed limit on a portion of Briarwood Avenue east of State Highway 158, establishing a 40 mph speed limit on Avalon Drive between State Highway 191 and its southern terminus, and establishing a 40 mph speed limit on Deauville Boulevard between Avalon Drive and Loop 250. (ENGINEERING SERVICES)

ORDINANCE NO. 9303

AN ORDINANCE ALTERING PRIMA FACIE SPEED LIMITS ALONG CERTAIN STREETS IN THE CITY; AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); REPEALING ORDINANCE NO. 9064; AND ORDERING PUBLICATION.

Mike Pacelle traffic Enginner 2 items on agenda this one is speed limit item protects 3 street segments. one is Briarwood changing last 450 feet from 60 down to 40 mph because Midland County has instituted school zone west of state highway 158 in County and as part of keeping signing consistent want to step down so not reduction to more than 20 mph. no practical effect on flow because near stop sign. other two avalon??? and deauville both roadways built and not ordered for speed limit followed state law 30 mph but as dev has occurred have enough traffic we rec 40 mph for consistency with other similar roadways

Dufford what is difference between 40 mph limit there and 45 on Big Spring past golf course taking out past Wadley where goes back up to 50. Mike 40 is probably on low side for Deauville and Avalon. expecting quite a bit of additional development so this is based on eng study so far but looking at fact of additional driveways so keeping it on low side.

Lacy what about Tradewinds. Mike can't recall what current speed are working on

extention and will look at traffic control all long lane will see in future. Morales this will fit in with new roundabouts? Jose these locations Deauville not proposing in area on Tradewinds and roundabouts will be considered and study. will look at when get further into design. Dufford some point in time Big Spring could be looked at in similar fashion north of loop. Jose once enter from Martin County need to look at stepping down speed limit to more traditional speed for urban setting. cant do study until deve in place. discuss traffic conditions at Tradewind.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9303.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9303 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

38. Consider 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. 9183; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES)

ORDINANCE NO. 9304

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. 9042 AND ORDINANCE NO. 9183; 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.

Mike Pacelli Traffic Engineer this item is to revise school zone ord to remove 7 school zones. clean up work needed becasue as new neighborhoods dev attendance boundaries change and no longer cross major streets. count twice a eyar and bsed on several years of data found not needed and met with misd and they concurred as not being applicable. rec approval of mod of ord. maps of ind zoning available. Lacy do keep signs beacons. Mike maintains and wil lrelocate to other schools.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9304.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9304 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

39. 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.

no appointments

EXECUTIVE SESSION

Mayor Morales noted no executive session. adjourned meeting at 11:21 a.m.

40. 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:

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

PASSED AND APPROVED the __ day of ____, 2016.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary