

**MIDLAND CITY COUNCIL
MINUTES
August 12, 2014**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on August 12, 2014.

Council Members present: Mayor Jerry F. Morales, Council Member Scott Dufford (At-Large), Council Member Spencer Robnett (At-Large), Council Member Jeff Sparks (District 1), Mayor Pro Tem John 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 Keith Stretcher, Deputy City Manager Tommy Hudson, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Police Chief Price Robinson, Fire Chief Robert Isbell, Interim Utilities Director Holly Rosas McGrath, Administrative Services Director Catherine Clifton, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Director Jose Ortiz, Director of Airports Marv Esterly, Planning Division Manager Jim Compton, Building Official Steve Thorpe, GIS Manager Bill Hodge, Public Information Officer Sara Higgins, and Community Development Manager Sylvester Cantu.

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at ____ a.m., August 12, 2014.

Council Members present: Mayor Jerry F. Morales, Council Member Scott Dufford (At-Large), Council Member Spencer Robnett (At-Large), Council Member Jeff Sparks (District 1), Mayor Pro Tem John 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 Keith Stretcher, Deputy City Manager Tommy Hudson, and Assistant City Manager Robert Patrick.

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:01

1. Invocation - Pastor Robert Pase, Grace Lutheran Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Resolution of Commendation for Howard W. Renton.
 - b. Recognition to the Midland MID-City All Star Baseball Team.

PUBLIC COMMENT

Mick Perkins 416 Pine #A part of Midessa foodmobile vendor comraderie comply with city ord highwstandards for food trucks. Will come to food truck court. Keep TIRZ alive increase revenue. With spaceport rapidly approaching will need something entire world will talk about when see businesses homes lifestyle and downtown Midland. Young professionals visiting want somewhere to go. This pavilion can and will create if keep TIRZ alive.

Clint Adcocks 4845 Rustic Trail, look at Cities such as Dallas growing economy based on small business TIRZ will allow small business such as one described by Mr. Brown but also good for economy.

Tim Hair landscape architect been out of town 3 of last 4 weeks because of entertainment. Outside Texas urban triangle is funding mechanisms important to not remove funding. Keep TIRZ.

Dan Rush procedural item #25 is this time to talk about it or will talk about before. Mayor will allow those to speak before.

Brian Patrick, 3136 Everglad. Funding available for TIRZ but oil boom wasn't in gear yet. Now 2006-2010 econ meltdown now have \$3.5 M available. What's unique is opportunity have money available designed for this matter its an investment. Everyone can talk about how great its going to be but business is business. It's opportunity as investment. 25-30 vendors affiliated with Todd Brown. Unique thing is wood fire pizza is mobile maybe make 700 pizzas a month what give back to community. Generate tremendous amount of tax revenue 80% is purchased in Midland or Permian basin. Multiply by 20 and here comes tax revenue. Time to make investment . Don't stay in Midland go to other areas.

Susie Hitchcock Hall, 10008 SCR 1213, shared inside of factory. Here about TIRZ and talking about what already accomplished. Explained history of her business and how TIRZ helped. Shared amount increased taxes. Cannot remembering having downtown business attraction please reconsider TIRZ.

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 Dufford moved to approve Consent Agenda items 6 - 23 excluding 5a, 15, 24; 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.

6. Approved a resolution approving plans and specifications and authorizing advertisement for bids for janitorial services for the Midland International Airport. (PURCHASING)

RESOLUTION NO. 2014 - 247

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR JANITORIAL AND MAINTENANCE SERVICES AT THE MIDLAND INTERNATIONAL AIRPORT

7. Approved a resolution approving the purchase of thirty-nine (39) Panasonic CF-31 Toughbook Laptop computers and accessories and eleven (11) Panasonic CF-19 Toughbook laptop computers and accessories for a cost of \$227,544.60 from CDW Government, LLC for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2014 - 248

RESOLUTION AUTHORIZING THE PURCHASE OF THIRTY-NINE (39) PANASONIC CF-31 TOUGHBOOK LAPTOP COMPUTERS AND ACCESSORIES, AND ELEVEN (11) PANASONIC CF-19 TOUGHBOOK LAPTOP COMPUTERS AND ACCESSORIES FROM CDW GOVERNMENT, LLC, AT A TOTAL COST OF \$227,544.60; THE BID REQUEST RESULTED IN FIVE BIDS, IN WHICH TWO OF THE BIDS APPEAR TO BE LOWER, HOWEVER THE LOWEST BID FROM HOWARD TECHNOLOGY SOLUTIONS DID NOT SUBMIT A BID FOR THREE ITEMS LISTED IN THE BID REQUEST, AND RUGGED DEPOT BID DISCONTINUED EQUIPMENT WHICH IS NO LONGER AVAILABLE; THE CITY MANAGER RECOMMENDS APPROVING THE PURCHASE FROM CDW GOVERNMENT, LLC, OF VERNON HILLS, ILLINOIS, AS THE OVERALL LOWEST AND MOST RESPONSIBLE BIDDER MEETING ALL THE SPECIFICATIONS FOR ALL THE ITEMS ON THE REQUEST FOR BIDS

8. Approved a resolution approving an emergency contract with TEC Excavation for the renovation of nine (9) manholes for a cost of \$253,910.00 for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2014 - 249

RESOLUTION AUTHORIZING EMERGENCY RENOVATIONS OF NINE MANHOLES; SAID RENOVATIONS BEING NECESSARY TO PRESERVE AND PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS OF THE CITY OF MIDLAND, TEXAS; SAID RENOVATIONS TO BE COMPLETED BY TEC EXCAVATION, INC., OF MIDLAND, TEXAS, AT A COST OF \$253,910.00; AND WAIVING ANY BIDDING REQUIREMENTS

9. Approved a resolution approving the purchase of twenty (20) Arbitrator camera systems and accessories for police automobiles from Visual Pro 360, Inc. for a cost of \$110,840.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2014 - 250

RESOLUTION APPROVING THE PURCHASE OF TWENTY (20) ARBITRATOR CAMERA SYSTEMS AND ACCESSORIES FOR POLICE AUTOMOBILES FROM VISUAL PRO 360, INCORPORATED, OF JEFFERSON CITY, MISSOURI, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$110,840.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A STATE OF TEXAS COOPERATIVE PROGRAM

10. Approved a resolution allocating \$100,000.00 from the fiscal year 2013 - 2014 General Fund (001) NonDepartmental (150) Interfund Transfer (0199) General Construction Fund (6299) budget account to the City Facilities Renovation Project (9059). (PURCHASING)

RESOLUTION NO. 2014 - 251

RESOLUTION ALLOCATING \$100,000.00 FROM THE FISCAL YEAR 2013-2014 GENERAL FUND (001) NON-DEPARTMENTAL (150) INTERFUND TRANSFER (0199) GENERAL CONSTRUCTION FUND (6299) BUDGET ACCOUNT TO THE CITY FACILITIES RENOVATION PROJECT (9059); AND THESE FUNDS ARE USED TO REPAIR AND REPLACE VARIOUS CITY FACILITIES; ANTICIPATED PROJECTS INCLUDE REPAIRING THE ROOF AT CITY HALL AND THE ANIMAL SERVICES BUILDING

11. Approved a resolution approving plans and specifications and authorizing advertisement for bids for window cleaning services for the Midland International Airport. (PURCHASING)

RESOLUTION NO. 2014 - 252

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR LABOR, MATERIAL, EQUIPMENT, AND SUPERVISION NECESSARY TO PROVIDE WINDOW CLEANING SERVICES AT THE MIDLAND INTERNATIONAL AIRPORT

12. Approved a resolution approving a professional services agreement with CDM Smith, Inc. for Supervisory Control and Data Acquisition system (SCADA) upgrades for a cost of \$40,434.00 at the Water Purification Plant for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2014 - 253

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH CDM SMITH INCORPORATED, OF FORT WORTH, TEXAS, FOR SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM UPGRADES AT THE WATER PURIFICATION PLANT, IN THE AMOUNT OF \$40,434.00

13. Approved a resolution adopting a complaint procedure for City services, programs, or facilities in accordance with Title II of the Americans with Disabilities Act. (ADMINISTRATIVE SERVICES)

RESOLUTION NO. 2014 - 254

RESOLUTION ADOPTING A COMPLAINT PROCEDURE FOR CITY SERVICES, PROGRAMS OR FACILITIES; PROVIDING A WRITTEN PROCEDURE FOR RECEIVING, INVESTIGATING, AND RESOLVING COMPLAINTS REGARDING CITY OF MIDLAND SERVICES, PROGRAMS OR FACILITIES UNDER TITLE II OF THE AMERICANS WITH DISABILITIES ACT; PROVIDING AN APPEAL PROCEDURE; PROVIDING FOR PROMPT AND EQUITABLE RESOLUTION OF COMPLAINTS AS REQUIRED BY TITLE 28 CODE OF FEDERAL REGULATIONS § 35.107; AND ORDERING PUBLICATION

14. Approved a resolution authorizing the City Manager to negotiate and execute an assignment of the Commercial Land/Use Agreement between Ross Aviation, Denver Colorado and The City of Midland, Texas to Landmark Aviation, Houston, Texas. (AIRPORTS)

RESOLUTION NO. 2014 - 255

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN ASSIGNMENT OF THE COMMERCIAL LAND AND FIXED BASE OPERATOR LEASE AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS AND ROSS MIDLAND LLC, DBA AVION FLIGHT CENTRE, TO LM U.S. CORP ACQUISITION, INCORPORATED DBA LANDMARK AVIATION

16. Approved a resolution approving an agreement between the Midland Development Corporation and N.C. Sturgeon, LP (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014 - 257

RESOLUTION APPROVING AN AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND N.C. STURGEON, LP FOR THE CONSTRUCTION OF ORBITAL OUTFITTERS, LTD.'S FACILITY, LOCATED AT MIDLAND INTERNATIONAL AIRPORT IN LOT 1A, BLOCK 13, INDUSTRIAL PARK REGIONAL AIR TERMINAL, UNIT 12, MIDLAND, MIDLAND COUNTY, TEXAS; AND APPROVING THE MIDLAND DEVELOPMENT CORPORATION'S APPROPRIATION OF AN ADDITIONAL \$1,000,000 THEREFOR

17. Approved a resolution to grant a variance to Ordinance 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 250 feet of an existing oil and gas well (#3 Mabee "E"). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 258

RESOLUTION GRANTING A VARIANCE FOR LOTS 7-11 AND 26-35, BLOCK 1, AND LOTS 28-36, BLOCK 4, LONE STAR TRAILS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF BUSINESS STATE HIGHWAY 349-C (NORTH BIG SPRING STREET), NORTH OF ARAPAHOE ROAD), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 250 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

18. Approved a resolution to grant a variance to Ordinance 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 250 feet of an existing oil and gas well (#7 Mabee "D"). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 259

RESOLUTION GRANTING A VARIANCE FOR LOTS 30, 33-53, 72-80, AND 97-114, BLOCK 5, LOTS 12-15, BLOCK 6, LOTS 5-8, BLOCK 8, LOTS 14-16, BLOCK 9, AND LOTS 3-5, BLOCK 23, LONE STAR TRAILS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF BUSINESS STATE HIGHWAY 349-C (NORTH BIG SPRING STREET), NORTH OF ARAPAHOE ROAD), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 250 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

19. Approved a resolution approving the issuance of a permit to Reliance Energy, Inc., (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Nail 101) located 660 feet from the north line and 1,980 feet from the east line located in Section 1, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Martin, Texas. (Generally located on the east side of State Hwy 349, approximately 3 miles north of Arapahoe Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 260

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RELIANCE ENERGY, INC. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 660 FEET FROM THE NORTH LINE AND 1,980 FEET FROM THE EAST LINE, SECTION 1, BLOCK 39, T-1-S, T&P RR CO. SURVEY, MARTIN COUNTY, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 349, APPROXIMATELY 3 MILES NORTH OF ARAPAHOE ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

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, (Moss Partnership "9" No. 2) located 2,207 feet from the south line and 1,594 feet from the east line located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of the extension of North Garfield Street, approximately 1/2 mile north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 261

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RUST OIL CORPORATION ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,207 FEET FROM THE SOUTH LINE AND 1,594 FEET FROM THE EAST LINE, SECTION 9, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST OF THE EXTENSION OF NORTH GARFIELD STREET, APPROXIMATELY ½ MILE NORTH OF MOCKINGBIRD LANE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

21. Approved a resolution authorizing the acceptance of utility and access easements from Quail Ridge Development, LLC located in Block 2, Block 3, Block 4, Block 5, Block 6,

and Block 7 of the Quail Ridge Addition, Section 2, for the purpose of constructing a concrete sidewalk; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 262

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 1.63-ACRE PUBLIC UTILITY AND ACCESS EASEMENT LOCATED IN BLOCK 2, BLOCK 3, BLOCK 4, BLOCK 5, BLOCK 6, BLOCK 7, BLOCK 8, AND BLOCK 9, QUAIL RIDGE ADDITION, SECTION 2, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

22. Approved a resolution authorizing the execution of a Temporary Water & Sewer Service Agreement between the City of Midland and Polly LeAnn Bruner for services to an approximate 1.9 acre tract of land out of the northwest quadrant of Section 27, Block 40, T 1 S, Texas & Pacific Railroad Company Survey, Midland County, Texas; said property is outside of the City limits; Polly LeAnn Bruner has executed a letter agreeing to annexation if and when the property is annexed; Polly LeAnn Bruner shall be charged a rate for service which is one and one half times the rate charged customers in the City limits; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 263

RESOLUTION AUTHORIZING THE EXECUTION OF A TEMPORARY WATER AND SEWER SERVICE AGREEMENT BETWEEN THE CITY OF MIDLAND AND POLLY LEANN BRUNER FOR SERVICES TO AN APPROXIMATE 1.90-ACRE TRACT OF LAND OUT OF THE NORTHWEST QUADRANT OF SECTION 27, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, THE STREET ADDRESS OF WHICH IS 8401 WEST COUNTY ROAD 60; SAID PROPERTY IS OUTSIDE THE CITY LIMITS; POLLY LEANN BRUNER HAS EXECUTED A LETTER AGREEING TO ANNEXATION IF AND WHEN THE PROPERTY IS ANNEXED; POLLY LEANN BRUNER SHALL BE CHARGED A RATE FOR SERVICE WHICH IS ONE AND ONE-HALF TIMES THE RATE CHARGED CUSTOMERS IN THE CITY LIMITS; AND ORDERING RECORDATION BY THE CITY SECRETARY

23. Approved a resolution authorizing the execution of a Temporary Water & Sewer Service Agreement between the City of Midland and Landmarks LLC for services to an approximate 4.00 acre tract of land located on Lot 1, Block 2, Entrada Business Park Addition Section 2, Midland County, Texas; said property is outside of the City limits; Landmarks LLC has executed a letter agreeing to annexation if and when the property is annexed; Landmarks LLC shall be charged a rate for service which is one and one half times the rate charged customers in the City limits; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 264

RESOLUTION AUTHORIZING THE EXECUTION OF A TEMPORARY WATER AND SEWER SERVICE AGREEMENT BETWEEN THE CITY OF MIDLAND AND LANDMARKS, LLC FOR SERVICES TO AN APPROXIMATE 4.00-ACRE TRACT OF LAND LOCATED ON LOT 1, BLOCK 2, ENTRADA BUSINESS PARK ADDITION, SECTION 2, MIDLAND COUNTY, TEXAS, THE STREET ADDRESS OF WHICH IS 9801 WEST INTERSTATE HIGHWAY 20; SAID PROPERTY IS OUTSIDE THE CITY LIMITS; LANDMARKS, LLC HAS EXECUTED A LETTER AGREEING TO ANNEXATION IF AND WHEN THE PROPERTY IS ANNEXED; LANDMARKS, LLC

SHALL BE CHARGED A RATE FOR SERVICE WHICH IS ONE AND ONE-HALF TIMES THE RATE CHARGED CUSTOMERS IN THE CITY LIMITS; AND ORDERING RECORDATION BY THE CITY SECRETARY

5. Approved a motion approving the following minutes:

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

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

Regular meeting of July 22, 2014.

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

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

15. Approved a resolution approving an agreement between the Midland Development Corporation, XCOR Aerospace, Inc. and N.C. Sturgeon, LP (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014 - 256

RESOLUTION APPROVING AN AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION, XCOR AEROSPACE, INC. AND N.C. STURGEON, LP REGARDING IMPROVEMENTS TO HANGAR S-11A AND HANGAR S-11B, LOCATED AT MIDLAND INTERNATIONAL AIRPORT IN LOT 1, BLOCK 13, INDUSTRIAL PARK REGIONAL AIR TERMINAL, UNIT 12, MIDLAND, MIDLAND COUNTY, TEXAS

Council Member Love moved to adopt Resolution No. 2014 - 256; 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.

24. Approved a resolution approving change order number 4 (Final) for the Raw Water Project with Archer Western Contractors, LLC and appropriate funds. (UTILITIES)

RESOLUTION NO. 2014 - 265

RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER FOUR WITH ARCHER WESTERN CONTRACTORS, L.L.C., ADDING \$50,193.17 FOR ADDITIONAL WORK TO THE EXISTING CONTRACT FOR THE RAW WATER PROJECT; AND APPROPRIATING FUNDS; THE ORIGINAL CONTRACT WAS FOR \$7,058,965.00; THIS CHANGE ORDER BRINGS THE TOTAL CONTRACT PRICE TO \$7,578,428.71

Council Member Love moved to adopt Resolution No. 2014 - 265; seconded by Council Member Hotchkiss.

Love read 3 times don't understand what change orders are especially SCADA because item 12 approved SCADA. Robert Patrick SCADA supervisory control and data acquisition runs components at plant. some changes that needed to happen butterfly valve found running manually and needed to be computer recollod so aded control unit to control. had to upgrade rest of scada for some other items. this is final change order on this project. Love ongoing since 2011? Robert believe correct. Love how does this reflect with RFQ that just did to upgrade and enhance wate water. Robert 10:40 a.m.

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

SECOND READINGS

25. Consider an ordinance on second reading abolishing and terminating the Midland Tax Increment Reincestment Zone Number One (TIRZ). (CITY ATTORNEY'S OFFICE) (First reading held on July 8, 2014)

ORDINANCE NO. 9298

AN ORDINANCE ABOLISHING AND TERMINATING THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NUMBER ONE (TIRZ), CITY OF MIDLAND, TEXAS UNDER THE AUTHORITY OF SECTION 311.017 OF THE TEXAS TAX CODE; THE FUNDS EXISTING IN THE TIRZ AS OF AUGUST 31, 2014 SHALL REMAIN IN THE TIRZ ACCOUNT AND SHALL BE USED FOR PROJECTS THAT ARE ELIGIBLE FOR TIRZ FUNDING IN ACCORDANCE WITH THE TEXAS TAX CODE; AND ESTABLISHING AN EFFECTIVE DATE; THE PARTICIPATING ENTITIES IN THE TIRZ ARE THE CITY OF MIDLAND, MIDLAND COUNTY, THE MIDLAND COUNTY HOSPITAL DISTRICT AND THE MIDLAND COMMUNITY COLLEGE DISTRICT; THE TIRZ HAS NO OUTSTANDING BOND INDEBTEDNESS; THE CITY SECRETARY SHALL FORWARD A COPY OF THIS ORDINANCE TO THE TEXAS STATE COMPTROLLER OF PUBLIC ACCOUNTS, THE MIDLAND CENTRAL APPRAISAL DISTRICT, MIDLAND COUNTY, MIDLAND COUNTY HOSPITAL DISTRICT AND THE MIDLAND COMMUNITY COLLEGE DISTRICT

km read caption ord

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

Mayor think money will be expended quickly. What happens then MDC what else available? Dufford TIRZ responsible for \$350,000 of lofts MDC was \$500,000. That how he sees TIRZ going forward such as 300,000 - 400,000 range. could be such as paving alleys, maybe ifnrastructure but don't see much more than 400,000 by mobile food vendors. see being around doing all other proejects.

Mayor not even reaching tipping point and what great opportunity to have tool. Why not put a 3 year sunset on it. sparks right now have opportunity because don't have any outstanding indebtedness. Morales rebut because will be spent very quickly. sparks wnat to bring back up as TIRZ #2 can bring back. Morales why not put cap on it. Sparks had a lot of citizens speaking otherway now because making money to pay taxes.

Love procedural problem during reading of ordinance motion was put up but couldn't

because ordinance was being read and then someone made motion already on here. Because can't make motion.

Keith if you recognize motion on floor then Love is eligible to make an amendment. Love wanted main motion on floor. Have you recognized motion if have then it's on floor its the controlling motion all that is left. Later on if want to implement new motion . Love motion going to make was to keep and extend TIRZ for one year and reevaluate at that time.

Mayor does not recognize motion on table.

Council Member Love moved to Keep TIRZ for one year with option to review in one year.; seconded by Council Member Hotchkiss.

Why can't we wait one year? Morales don't think can get a lot done in one year. Dufford by reviewing it after one year and possibly setting then how much additional TIRZ funds will accumulate? Courtney Pam Simecks estimate without hospital was just over \$1M contribution from county, college and city. Mayor understand projects that are out there can go to work. Hotchkiss lets not forget we get extra money because buy in from other entities. .

Mark Wellen, 5110 Daventry Place Can amend amendment to say put off for one year. Point to remember TIRZ has no authority

Love didn't say sunset in one year said to keep it and review it one year. In a year's time more people who want to speak out.

saying deferring for one year.

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

Council Member Dufford moved to sunset TIRZ in one Fiscal Year.; seconded by Council Member Lacy.

Keith September 1, 2015. Love said TIRZ wasn't going to be eliminated but just funding mechanism. Puts another million and TIRZ would get another \$1M or invest in downtown. Willing to do that. Do think it needs to be sunsetted. Mayor can hold off on vote until get good definition of sunset. Keith unless some enabling legislation if you sunset its over. If sunset until September 1, 2015 its over. The question was asked can City Attorney see if legislation that future council can come back and reinstate TIRZ. if future council reinstated have to go through same procedures as established new value is date extended. People are saying you're losing all your money.

Keith Mr. Love's motion wasn't sunsetting but just deferring for one year so future Council could. Dufford on cusp of eliminating it today. His idea is willing and have no problem with leaving it in operation so can get funds in coffers for one more year which may be \$1 M more. Sparks when do they get their funds for 14-15. Courtney get check in September from all taxing entities.

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

Nattie Shelton 2511 Legacy Oaks. In favor of not terminating TIRZ. Exec dire DMMD read letter from DMMD supporting continuation of TIRZ noting how important TIRZ is to downtown Midland. 8 members of DMMD unanimous decision to send letter.

Dan Rush 2502 Seaboard, Board of Directors of downtown midland mgt district and former of TIRZ. There were several ph when formed and a lot of negotiation had to approve full city council process took 18 months to put together and taken years to make it an effective tool. One month ago with 72 hour notice the council eliminated the TIRZ without talking to their partners the TIRZ or economic development community. Had substitutes ready and had plans for the money. It appears to outside there was a lot of conversation taking place behind closed doors and the public is asking why. Similar to type of politics seen in Washington where circumvent public input to achieve an agenda. The end result find can't trust council can't trust process whether or not TIRZ is kept and it doesn't have to be that way. Need to trust process. Encourage to slow down process and keep TIRZ alive.

Jane Wolf, 302 Thomas, shred pictures of Downtown Fort Worth prior to redevelopment and shared current pictures. Noting this happened with Tax Increment financing. Noting it is a one-stop shop. For developers this is huge. They need to work with one entity and for Midland that is TIRZ. This is a shared resource with Midland county and Midland College. Transformation of downtown Fort Worth has taken more than 30 years. They have had leadership courage and vision. She asked Council to stay course and give TIRZ chance to work in Midland as it has in Ft. Worth, Lubbock, san angelo and ?? In September 2013 set \$1B cap for TIRZ. When tax values of properties reach \$1B TIRZ will have done it's job. Imagine how beautiful and busy downtown will be when that occurs. At that rate it could be next 5-10 years.

John Kennedy 1202 Douglas head of TIRZ Board. Reminded Council that TIRZ is not ongoing forever it has a 30 year life it can be shortned. Not time to kill it now. One-shop downtown revitalization. Can leverage City taxpayer money with college and county that in interest to use as much as can for downtown. It's only taxpayers in zone that is actually funding project. But beauty is taxpayers outside of zone get benefit as valuations go up and adjust tax rates because of that. Have public oversight or input into p7z p7r and almost every other facet of city govt. why get rid of tirz. Urge to consider and slow donw process to see what happens.

Hotchkiss commented to Mr. Rush new on Council only 6 months. Sometimes don't talk enough about stuff. Like to know a lot and think through. Voted with majority have opportunity to come back and vote again and see what felt was important with TIRZ and how feel. Have to go back to own beliefs and values. Very practical and careful with money. Appreciate that was also reinforced by being in non-profit always had to beg for every penny. If only we had vehicle to help non-profits. Think TIRZ is good deal because already funded already exists and get money from outside entities. They velieve in TIRZ. Raised about \$900,000 from City matched with \$600,000 by County and college. Will vote to support continueing TIRZ. Not talking behind backs, not talking enough.

Mayor so much interest excited that citizens are coming out. Council sparks came forward put out great facts very transparent so no reaction from community. Excited to hear all industry speak out small entrepreneurs those in favor of atool. Nobody was utilizing it properly. Guilty of not promoting it. Believe going forward have woken up small tool. Favor of keeping and maybe need to put sunset or keep going.

Love encourage every one to challenge hyour city council members question, and challenge council. When give answers challenge Council. Thinks this is biggest mistake council could make in a really long time. Reasons extremely shallow. !) get rid

of so all tax money can go to hwole city. Reason more tax money in future to provide for citizens. 2) have other tools MDC DMMD 380 agreements, if its challenging to get TIRZ then how challenging to do 380 agreement when pul money from general fund to do it. MDC is up to its neck withfunding requests. So putting more pressure on MDC doesn't make sense. 3) not being utilized have bomb squad but for TIRZ.

Sparks, misconception that by discontinuing funding of TIRZ that \$3.6 M going away and won't be available for TIRZ dev. They've spent 1.15 M over last 10 years. \$3.6 M will go along way. 200,000 for food court there. 500,000 for RITZ is still there. People say doesn't come out of citizens pockets but it does. If wasn't going to TIRZ would go to GF. Then as in GF tax value could be less, not a lot less the \$1b cap doesn't make TIRZ go away just all can pull from all taxing entities everything else going back but \$900,000 M value still going to TIRZ. Don't have problem with downtown development but multiple ways. TIRZ does not have any outstanding obligations. Fed Govt start with good purp the program never ends. We have multiple ways to do this by saying we have to have TIRZ and without Midland is on downward trend is false. Support ing this agenda item. Should have went in front of other entities. \$3.6 M covers everything that has been brought up in last six weeks. Support unfunding TIRZ because have opportunity. Deadline of 30 years might not have opportunity either because if have long term debt can't be dissolved until it's done. Was not behind closed doors on purpose. TIRZ board will stay around until \$ is gone.

Dufford, mixed emotions on Council when formed TIRZ aside from that with eliminate of TIRZ city's tax rate will go down to 4198 to 4003 that 1.68 cent reduction which is about 4%. Who benefits fromt hat reduction? Any taxpayers. Keep hearing making it more difficult to request funds for downtown because need to work out deal with each taxing entity not that bad because makes process more transparent makes entities thinka bout what what investing in. Making decisions on hwo investing money. What will replace TIRZ. Won't be eliminated still here but wont receive additional funding. They have \$3.6 M to continue to fund TIRZ worthy projects downtown. Just as MDC was asked for lofts project other funding mechanisms are still there. Council is very interested in downtown development. Won't have any problem. Hwere does money go once tirz resolved. Tirz board remain in effect until all money gone. Requesting all other entities keep current funds in TIRZ and not take toys and go home. Not sure other partners want to be involved in every request for downtown. If they take money and put back into their GF it still has to be earmarked for downtown TIRZ worthy projects, money has to stay and be spent in TIRZ. It will be sunset the day they spend last amount of money.

Lacy agree position has not changed only 21.4% has been spent in downtown. Agreed will be spent for downtown worthy projects. Time for individual tax owners to realize gains.

Robnett yield to senior council members in agreement with sparks dufford lacy.

26. Consider an ordinance on second reading on a request by Marshall Elmore – Leam 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) (First reading held on July 22, 2014)

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 PARKWAY 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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9299.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9299 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

27. Consider an ordinance on second reading 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) (First reading held on July 22, 2014)

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9301.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9301 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

28. Consider an ordinance on second reading 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) (First reading held on July 22, 2014)

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.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9302.

Council Member Love moved to approve the second and final reading of Ordinance No. 9302 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Julie simpleton 8106 Lubbock, representin corporate ranch dev within proposed. Grievance Aoz 4 area. Been origi grievance met with Mr. Esterly in getting needed info. During meeting have 20% to complete and preleased 20% of completed deve in 3 acres area is occupied. Development was not known never informed about propose changes. mention can april 13 2014 quoting midland official midlands problem is private land owner involuntarily deprived of use of land or able to completed contract development. not getting compensated for it. possible that even with 20% complete may put midland above risk requirements wohich would make northern corridor . not fair to pass ord to prevent dev. damage in essence iwll be spending multiple millions with nothign to show for. to obtain FAA liense risk analysis is part of this. don't feel necessary to burden them with ordinance that may need to be done anyways. For spaceport but propose postpone until proepr solution can be reached.

Lacy do you have sufficient waterfall for all phases of project? TCEQ route. Morales do not have city water. Do you have research to prove project is value or success. 100% preleased. has research that done on water. not with her. will send to mayor.

Love this is required because federally mandated have to protect corridor this is something required to do.

Dnaield Stephens 4454 Dogwood Court, pastor mid cities community church. bad time to ask for TIRZ for 191. Want to say this ord is federally mandated by FAA but does bring concern to church because seriously regulates development. Grateful we are annexed and protect corridor but primary use would be for primarily commercial development looking like Business 20 and I-20 because sever restrictions. Have master plan for new sanctuary. voiced concern about future development. Limits future plans.

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

sparks does it affect all of 191? Marv Esterly not all of 191 there are areas that are not between midland and odessa mainly. residential housing is determinetal to getting a corridor bu tprovisions for office space to be reviewed. requiring getting permit so can review types of structures. sparks it doesnt kill retail marv ord doesn't kill but says certian things permitted but others can be reviewed on case by case basis. Marv amy

need certain building materials to make happen.

Mayor case by case. Mid cities hav eto get permit okay with current council but what if council changed. Htochkiss comment on Ms. Templeton comments. Marv met and talked about their area currently looking at those numbers. Think clarifying fact that if amend or change or don't do today changes spaceport. It doesn't have affect on application. will receive whether ord or not but it does protect corridor for spaceport in future. if development could be denied our spaceport to continue.

29. Consider an ordinance on second reading 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) (First reading held on July 22, 2014)

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.

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

Council Member Lacy moved to approve the second and final reading 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: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

30. 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. 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) (First reading held on July 22, 2014)

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.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9304.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9304 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

PUBLIC HEARINGS

31. At approximately 10:33 A.M. hold a public hearing regarding a proposed oil and gas permit to Bluestem Energy Holdings, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (D Evans O 2) located 623 feet from the south line and 2,020 feet from the east 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 2,000 feet west of N. Midkiff Road.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

o7g officer ron jenkins reported this well application on easat side of mockingbird hets . had to fix couple thing sin app. sharing pad with previous permitted well M-1. will be using sound walls when put up. 1 loj. 3 sided sound walls. saprks will put in fence when done. Ron hav eto put in wood fence with brick columns. council will require. Mayor was loj fencing. wood

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

32. At approximately 10:36 A.M. hold a public hearing regarding a proposed oil and gas permit to Bluestem Energy Holdings, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (D Evans A 2) located 490 feet from the north line and 990 feet from the east line located in Section 8, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of N. Midkiff Road, approximately 500 feet south of the extension of Greentree Blvd.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting north side of Mockingbirds no sound barrier walls no loj.

Mayor Morales opened the public hearing at 11:56 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

33. At approximately 10:39 A.M. hold a public hearing and consider a request by Quatro Compadres, L.P. 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 N. County Road 1278.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting this request was brought forward on July 22 to finish annexation of property. They would like city water services. Just first of two public hearings required no action item.

Mayor Pro Tem Love opened the public hearing at 11:57 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

34. At approximately 10:42 A.M. hold a public hearing and consider an ordinance on a request by AJ Construction / Glenda Kelly for a zone change from PD, Planned District for Shopping Center to an Amended Planned District on Lot 33B, Block 3, Briarwood Addition, Section 16, City and County of Midland, Texas. (Generally located 250 feet west of N. Midland Drive and 300 feet north of Briarwood Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9305

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 33B, BLOCK 3, BRIARWOOD ADDITION, SECTION 16, 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 250 FEET WEST OF NORTH MIDLAND DRIVE AND 300 FEET NORTH OF BRIARWOOD AVENUE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting this request is to change zoning from PD for shopping center to amended PD. Proposal is to direct dog boarding and training facility on site. 45 by 8 foot kennels most training indoors but do have outdoor training. Tried to take care of info received from soundwall like walls lined with 2 inch insulation and proposing outside training area have 6 foot wall with roof. per rec approval at July 7 mtg. had 6 written opposition and that is greater than 20% and will require super majority of Council. Staff has reviewed and rec approval.

Lacy is it customary to put near residential. Typically you have vet offices that back up but more training facility. Current location seems to be landlocked. Any business will not have visibility.

Mayor Pro Tem Love opened the public hearing at 12:01 p.m.

Brandon Adams 4212 SCR AJ Construction contractor can answer questions about construction owner and training avail. Love concern about noise with respect to dogs. Outdoor facility where dogs will be outdoor is on bottom portion and completed away from residential. Love can pay to dampen some of noise. Brandon cinderblock wall

backfilled and chain link. Sparks what is procedure on picking up fecal matter. Brandon use artificial turf and drainage system that will be washed down. Made for that. They specialize in dog areas. sparks dogs that are out there when boarded inside. sparks what time closing training facility and dogs in sound resistant area. hours of operation are 8 - 6:30 potty times are 7:30 8:30 11:30 12:30 and 4:30 to 6:00 potty times. Lacy max of 40 dogs at all times. Brandon correct. Robnett confirm dogs won't be barking all night long on Midland drive. Brandon no. Jeff amend planned district so that it states the animals would not be outside past sunset. Love can make specific to outside within facility because bringing in late at night. spencer might be occasion when dog needs to go out at night. How about no more than one dog outside after sunset. Dufford noise from Midland drive louder than any dog.

Hotchkiss remember ?? no complaints very popular facility that would be similar. Greens. Brandon concern about property values that this would decrease. this will be \$2M project with all land state of art facility when done.

Dufford do have noise ordinance.

There being no one else wishing to speak, the public hearing was closed at 12:09 p.m.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9305.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9305 in accordance with the Charter of the City of Midland with amendment that no animal would be left outside unsupervised after sunset; 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.

Mayor recessed meeting to Executive Session at 12:11 p.m. noting would return no sooner than 1:15 p.m.

35. At approximately 10:45 A.M. hold a public hearing and consider an ordinance on a request by Malina Zuniga / David Zuniga / Maria Chavez / Mike Garcia (Crownridge) for a zone change from AE, Agriculture Estate District to CE, Country Estate District on a 16.08-acre tract of land out of Section 4, Block 38, T-1-S, T&P RR Company Survey, City of Midland, Martin County, Texas. (Generally located on the north end of Elkins Road, approximately ½ mile north of Timber Wolf Trail.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9306

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 16.08-ACRE TRACT OF LAND OUT OF SECTION 4, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND AND COUNTY OF MARTIN, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A CE, COUNTRY ESTATE DISTRICT (GENERALLY LOCATED ON THE NORTH END OF ELKINS ROAD, APPROXIMATELY ½ MILE NORTH OF TIMBER WOLF TRAIL); 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, request is to go from ag est to country estates big dif is ag estates requires more than 2 country estates requires between 1 and 2. The app prop to subdivide into 6 residential lots some of which will be 1.6 or smaller to locate single family homes. one lot that owner owns 41% of land so will require super majority. staff rec approval of request.

sparks subdivide into 6 lots from single family into 4 single family homes. stick built homes not zoned for mobile homes. It is zoned from regular homes recognizing doesn't limit industrialized housing required by state to approve. Industrialize housing is constructed according to state standard and state issues cert that it meets those standards. It's modular.

Mayor Morales opened the public hearing at 1:29 p.m.

Ben Sanchez 408 N Pecos Schuman Engineering. rep clients where if any questions. There is caliche pit to north of property.

Keith petty 2033 CR 2300 live just east of property. Realize family out there p7z that council doesn't deed restrictions. Keith that is correct. They bought property 6 years ago and built home and followed deed restrictions. Having a problem with now is that this can be modular homes which is approved by state. Brought pictures of what is there now. This def of modular homes you disconnect tongue and take axle out and its now modular home and trying to protect property value. Opposition to CE is 16 acres would have twice as much as that. The other structure is what is done without any permitting, its partial structure septic was put in one evening next morning covered up no drain field. Based on what see now and if change from min of 2 acres per home to a acre will double that. If we did change this to CE with that the way understand have to be curbs gutters and sidewalks. Where would water flow? Are they bringing city water out because very little water out there. Lacy with industrial housing be permitted if we put in zone change. Chuck it would be even if didn't change zone. Checked serial number does meet standards. Septic system can be checked. Ben Sanchez septic was approved by Martin County. Sparks its in City of Midland so should be permitted through Midland. Steve health dept only deals with Midland County and therefore it is a valid permit. Keith spoke with martin county inspector he was told that it was within regs he approved it on basis if failed they would have to pay fines retroactive back to time requested permit. Would like to give copy of deed restrictions. Lacy dealt with same thing, can't enforce them. We don't have an interlocal agreement with martin County so need to work on that to get oversight. Would like to pass to Schumann Engineering to have on records they received.

charles Noll 1102 N A owns 40 acres across road and had land about 15 years hoping it would appreciate but this could be a reversal. There is very limited water out there. Talking about making a zone change that could double the number of units. they are verbally saying 2 acres when this zone allow 1 acre. Feel events of development would be detrimental. Although city may not allow mobile homes there is a close resemblance and will not enhance his acreage. Mayor water flow per minute. Gentleman who just spoke has 4 gpm. His water wells are around 10 gpm but started digging them every acre don't think will be adequate support. Concern about septic system.

There being no one else wishing to speak, the public hearing was closed at 1:40 p.m.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9306.

Mayor have solved water issue? 2701 CR Marina Zuniga is there concern for water. they have well and plentiful water probably 50 feet of water. Brother has 12 gpm.

Council Member Dufford moved to deny ; seconded by Council Member Lacy.

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

36. At approximately 10:48 A.M. hold a public hearing and consider an ordinance on a City-Initiated request to amend Title XI, Section 2, Subsection 5, Paragraph C of the City Code as to not require the paving of alleys for access to vehicle garages, carports or parking areas or business loading areas, for lots final platted before July 1, 1994. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9307

AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", CHAPTER 2, "PLATS AND SUBDIVISIONS", SECTION 5, "REQUIREMENTS FOR PUBLIC IMPROVEMENTS, RESERVATION AND DESIGN", SUBSECTION (C), "STREETS AND ALLEYS", PARAGRAPH 3, "DESIGN AND IMPROVEMENT STANDARDS", SUBPARAGRAPH (S), "ALLEYS", SUBPART 6, OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO PROHIBIT ANY RESIDENTIAL LOT FINAL PLATTED AFTER JUNE 30, 1994 OR ANY COMMERCIAL LOT TO HAVE ACCESS FROM AN UNPAVED ALLEY THAT DOES NOT CONFORM TO CITY OF MIDLAND STANDARD SPECIFICATIONS TO A VEHICLE GARAGE, CARPORT, OR PARKING AREA OR BUSINESS LOADING AREA; 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.

Development Services Director Chuck Harrington gave a brief overview of the item noting in past requests for paving exceptions to alley. what council asked to do is make amendment that made sense to older portion of town. Went back in to actual implementation date which was July 1, 1994. Come back with is amendment that alleys platted after June 30 will have to comply. Alley platted prior to June 30, 1994 can use alley access without paving. Love what fiscal impact will this add to city's impact to maintain alleys? Mayor what percentage of community is not. this is approved wont have to come back through Council. Jose doesn't have dollar amount and not sure of percentage. Over last few years seen maybe 1 year. chuck had we continue on where had partial paving would see more impact to maintenance where paving falls off onto existing caliche is more damaging impact. Jose it may raise maintenance cost. Only concern is as get access and those are one who complain about condition of alleys they need to understand. Condition will be same it will deteriorate over time. they need to have understanding that not going to maintain alleys. courtney hwen council gets call they get low priority unless trash truck can't get down.

Mayor Morales opened the public hearing at 1:49 p.m. There being no one present

wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9307.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9307 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

37. At approximately 10:51 A.M. hold a public hearing and consider an ordinance on a request by Stephen Cole for a Special Exception to the Zoning Code concerning the side yard setback requirements for an access structure on Lots 6 and 7, Block 7, University Park, City and County of Midland, Texas. (Generally located northeast of the intersection of "N" Street and Harvard Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9308

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 6 AND 7, BLOCK 7, UNIVERSITY PARK, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF "N" STREET AND HARVARD AVENUE), BY PERMITTING AN ENCROACHMENT INTO THE REQUIRED SIDE YARD SETBACK FOR CONSTRUCTION OF ACCESSORY STRUCTURES; 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

Development Services Director Chuck Harrington gave a brief over of the item noting the applicant seeking relief to covered parking in existing structure. current zoning called for front yard set back of 25 feet for primary structure and corner 10 yard. meets all requirements. proposing to erect building that will be 6.5 feet off property line. All shown garage parking within 6.5 of property line. seeking special exception the non conforming structures can continue to exist as are but once torn down requires to come into compliance. No hardship as regularly see in variance. Staff recommend that exception not be granted.

Robnett spoke with coelman and wellman. considered legacy old midland home recommend approval of exception. Htochkiss also think it would be good. sparks drove by property in question it has structure that s 6.5 feet and fence 6.5 feet they are upding nto compelte structure of what's there. Lacy grants upporting.

Mayor Morales opened the public hearing at 1:54 p.m.

Mark Wellen 1102 W Texas, understand all ordinance and everybody's position. One thing tha tgoes unsaid in app and review is in this case Mr. cole is improving situation with existing garage by repositioning at open to street garage will open to alley and will add covered parking. if you could see any other exceptions almost everyone of them the car is in the row in this case none of the cars would be in row but fully on property

and it will generate 11 feet of row beyond property line. There will be enough space where most people would be parking a car which is much safer condition. The new configuration will be more please than existing. sparks it is a 4 way stop. Morales is it same height. mark yes.

Steve Cole 2210 Arlin happy to answer any question it will be complete tear down in its foot print will be a new structure. walked to 6 nearest neighbors they are all in support of plan.

There being no one else wishing to speak, the public hearing was closed at 1:57 p.m.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9308.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9308 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Love don't have problem with project but concerned about potential precedence for non conforming uses and when tear down use the current prevailing code is supposed to take place. Give applicant opportunity to tear down non conforming use and granting exception. don't think what section of the town it is in should matter. but know older sections than this.

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

38. At approximately 10:57 A.M. hold a public hearing and consider a resolution on a request by Midland Downtown Farmers Market for a Temporary Land Use Permit for outdoor sales on Lots 1 and 2, 10 through 12, Block 58, Original Town, City and County of Midland, Texas. (Generally located on the south side of W. Texas Avenue, between N. Pecos Street and N. Marienfeld Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 266

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR OUTDOOR SALES ON LOTS 1, 2, 10, 11 AND 12, BLOCK 58, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST TEXAS AVENUE, BETWEEN NORTH PECOS STREET AND NORTH MARIENFELD STREET); MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting this annual request for outdoor farmers market. one seen several times previously. Only thing staff commented some of covered need to be repaired. Visited with applicant and talked with property mgr in line to be done.

Mayor Morales opened the public hearing at 2:02 p.m.

Kimberly Kennedy 4620 Ric Drive, been a part of community for long time

There being no one else wishing to speak, the public hearing was closed at 2:03 p.m.

Love increase in hours of operation.

Council Member Dufford moved to adopt Resolution No. 2014 - 266; 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.

39. At approximately 11:00 A.M. hold a public hearing and consider a resolution on a request by Maye DeAnda / St. Ann's Church for 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. 2014 - 267

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH CARNIVAL AND FAIR 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

Development Services Director Chuck Harrington gave a brief overview of the item noting annual app from st. anns church for church carnival and fair. 4 day event music volume reduced by 10 p.m.e ach night. alco bev sale and consumption for saturday only. wil prov adeq rest and sec. staf rec approval.

Mayor Morales opened the public hearing at 2:05 p.m.

Maye DeAnda 4509 Gleneagles. celebrating 66 years seems to be runnign very well looking forward to this year.

Council Member Hotchkiss moved to adopt Resolution No. 2014 - 267; seconded by Council Member Love.

There being no one else wishing to speak, the public hearing was closed at 2:05 p.m.

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

40. At approximately 11:03 A.M. hold a public hearing and consider a resolution on a request by Museum of the Southwest for a Temporary Land Use Permit for an outdoor Amusement Function on Lots 10 through 12, Block, 93, Lots 1 through 5, Block 105 and Blocks 94 and 104, West End Addition, City and County of Midland, Texas. (Generally located on the south side of W. Missouri Avenue, between "J" and "L" Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 268

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN OUTDOOR AMUSEMENT FUNCTION ON LOTS 10-12, BLOCK 93, LOTS 1-5, BLOCK 105, AND

BLOCKS 94 AND 104, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF MISSOURI AVENUE, BETWEEN "J" STREET AND "L" STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

chuck this is museum of sw annual september fest.

Mayor Morales opened the public hearing at 2:06 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2014 - 268; 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.

41. At approximately 6:00 P.M. hold a public hearing regarding a proposal establishing the ad valorem tax rate of .4198 per \$100 taxable assessed valuation for the Fiscal Year 2014-2015. (FINANCE)

Mayor noted would hold at 6:00 p.m. recess at 2:37 p.m.

MISCELLANEOUS

42. Consider an ordinance amending the Fiscal Year 2013-2014 budget to provide Hotel/Motel Tax funds to the Midland County Fair in the amount of \$20,000. (CITY SECRETARY'S OFFICE)

ORDINANCE NO. 9309

AN ORDINANCE AMENDING THE OFFICIAL MUNICIPAL BUDGET FOR FISCAL YEAR 2013-2014 IN ORDER TO PROVIDE ADDITIONAL FUNDS TO THE MIDLAND COUNTY FAIR IN THE AMOUNT OF \$20,000.00; THE ADDITIONAL FUNDING PROVIDED WILL HELP PROMOTE TOURISM IN THE CITY OF MIDLAND; AND THE FUNDING WILL COME FROM THE CITY'S HOTEL/MOTEL FUND

Love abstaining 42 and 43.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9309.

bo Zertuche, 1309 N Big Spring. Mayor in regard to tickets you give tickets to staff how many how does that work. employees of midland. Jose since inception gift to community in recognition of both entities provide complimentary tickets to city and county. have 900 employees Corutney in past provide stack of tickets and through hr dept send out city wide email. if not give call and say need more.

Lcy what did county contribute. 50,000 of seed money to put on they don't have fund for head sin beds. reason in front this year is lapse in mgmt rain turned over to new fair coordinator received funding alst year and money for 2015 but didn't get in time for 2014 and encouraging is hav epacket inf ront of you 3/4 of audience comes from outside midland and 10% is using hotels. with facility expanding on road to put on much bigger event.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9309 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

43. Approved a resolution authorizing the City Manager to negotiate, approve, and execute a contract between a Consulting Firm and the City of Midland for a Comprehensive Plan Review for the Development Services Department, not to exceed \$280,000. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 269

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH A CONSULTING FIRM FOR A COMPREHENSIVE PLAN REVIEW FOR THE DEVELOPMENT SERVICES DEPARTMENT; AND AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED \$280,000

Love abstain.

chuck sev months back auth going out seeking proposals to perform consulting service sput together committee staff pl comm and miss htochkiss selected 3 firms perform that review with. Ms. Htochkiss was out of town but had substitute performed review process of 3 apps. freese nichols, psc, half and assoc. during revie wprocess asked number of questions and asked for description of how ouwl d perform work. after review committee did analysis of what heard submitted info in memo form in packet. based on that particular vote from committee firm that committee would like to rec is freese and nichols in asociations wiht wrt and maverick.

robnett how long does process take. chuck 15-18 months. propose do critical areas first in all firms primary issue trying to get out first. Sparks from his standpoint had problem with some of out of town firms being timely in getting anything done. Understand that committee also had a really close second with psc recommending look at psc if get to slow he can talk to them.

robnett where will they reside. chuck will come in town for a while. psc theri firm is not here either will have to come in spend time here and work through community and doing thsoe types of things. Sparks psc has larger office here. Whose done in past. Been done several places freese and nichols did last update Courtney Dan Sefko when out on own did comp plan update but now employed with freese and nichols. Dufford don't have problem with psc but committee ws put together for vetting process to go with somebody else isn't the right way to go. if they feel like this is the best route that should be hwo we go with. Sparks in this case Sharla and Jeremy wasn't able to attend. Sharla 3 chose local represenation.

Robert Patreick difficult choice.

rbg in association with psc . htochkiss in certain cases integrated local talent.

Council Member Sparks moved to adopt Resolution No. 2014 - 269 with selection of PSC; seconded by Council Member Lacy.

Dufford don't want to vote against it but don't want to go against committee recommendation.

Alan Grier vp freese and nichols over Midland office and lubbock office and al very fair process like to see go with staff recommendation. worked in wtx for 120 years seen a lot of planning jobs. introduced team. They are building staff and making investment here. Robnett how many contracts with freese and nichols. Alan 2 drainage and zoning work with planning. sparks midland draw drainage expected to see 6 months ago not getting information been looking for. alan contract on job is August of this year to have final product delivered. Made several submittals waiting on topo that contractor had topo was not corrected waiting on topo. proposing to have done on schedule. Did get small contract with ehlping monitor cip program and project tracking systems for all cip.

Jose spoke earlier today talked to Jeff Cohen asst eng do have draft final product has not been delivered. Still doing everything they can to meet deadline.

Jay Edwards 5809 Sundance Place, very important project for city. Psc main concern is to make sure city gets planning it needs to navigate fast growth. have very good relationship with staff would love to be involed in the project. One thing we did was interview a bunch of internation planning firms that wanted to team with them to be part of this project went with RBG because best fit for community. Experienced in energy driven fast growth comp plans in North Dakota. Don't envy staff in being in that position. Difficult process appreciate consideration. Robnett how is current workload does 15 months time line okay. Jay that is one of reasons made decision to bring somebody in, on last comp plan Dan Sefko was elad but parkhill was part of that process. Workload have staff to handle about 50 people in Midland office

Courtney main firm is RBG in Association with Pakrhill Smith and Cooper. Jay either way.

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

44. Consider an ordinance amending the current ordinance updating the City of Midland's Drought Contingency Plan. (UTILITIES)

ORDINANCE NO. 9310

AN ORDINANCE OF THE CITY OF MIDLAND, TEXAS, ESTABLISHING AND ADOPTING A DROUGHT CONTINGENCY PLAN FOR THE CITY OF MIDLAND, TEXAS, IN ORDER TO CONSERVE THE AVAILABLE WATER SUPPLY AND PROTECT THE INTEGRITY OF WATER SUPPLY FACILITIES; AND TO PROTECT AND PRESERVE PUBLIC HEALTH, WELFARE, AND SAFETY AND MINIMIZE THE ADVERSE IMPACT OF WATER SUPPLY SHORTAGES OR OTHER WATER SUPPLY EMERGENCY CONDITIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); AND NEGATING A MENTAL STATE; AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9310.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9310 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.

45. 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.

EXECUTIVE SESSION

will return no sooner than 1:15 p.m. recess at 12:11 p.m. reconvene at

reconvene at 1:26 p.m.

46. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:
 - a. Section 551.087 Deliberate Economic Development Negotiations.
 - a.1. Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives. Among the matters to be discussed will be a potential economic development agreement with Energy Related Properties, LLC and/or Energy Tower, LLC.
 - b. Section 551.072 Deliberation Regarding Real Property.
 - b.1. Discuss the sale, exchange, lease or value of real property described as Block 55, Original Town Addition, City and County of Midland, Texas. Block 55 is the site of the former Midland County Courthouse. The Council will discuss the proposed sale of said real property to Energy Related Properties, LLC and/or Energy Tower, LLC.
 - c. Section 551.071 Consultation with the City Attorney.
 - c.1. Discuss with the City Attorney contemplated litigation related to zoning in the City of Midland's extraterritorial jurisdiction in the vicinity of the Midland International Airport.
 - c.2. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

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

PASSED AND APPROVED the ____ day of _____, ____.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary