

**MIDLAND CITY COUNCIL
MINUTES
August 23, 2016**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on August 23, 2016.

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 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, General Services Director Fred Reyes, Planning Division Manager Jessica Carpenter, 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., August 23, 2016.

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, and Assistant City Manager Frank Salvato.

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:05

1. Invocation - Pastor Daniel Stephens, Mid-Cities Community Church
2. Pledge of Allegiance

PRESENTATIONS

Susie Hitchcock Hall Council presented proclamation 25th anniversary. Mayor read proclamation

Mayor move public comment period to end.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to: No presentations.

PUBLIC COMMENT

4. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation 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 Robnett moved to approve Consent Agenda items 5 - 17 excluding 12, 13, 15, 16; seconded by Council Member Sparks.

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

5. Approved a motion approving the following minutes:
 - a. Regular meeting of August 9, 2016.
6. Approved a resolution approving the Fiscal Year 2016-2017 budget of the Space Port Development Corporation. (FINANCE)

RESOLUTION NO. 2016 - 249

RESOLUTION APPROVING THE FISCAL YEAR 2016-2017 BUDGET FOR THE MIDLAND SPACEPORT DEVELOPMENT CORPORATION, AS AUTHORIZED BY CHAPTER 507 OF THE TEXAS LOCAL GOVERNMENT CODE

7. Approved a resolution approving the Fiscal Year 2016-2017 budget of the Sports Complex Development Corporation. (FINANCE)

RESOLUTION NO. 2016 - 250

RESOLUTION APPROVING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET FOR THE MIDLAND FOOTBALL/SOCCER AND BASEBALL COMPLEX DEVELOPMENT CORPORATION, A TYPE B CORPORATION AS AUTHORIZED BY CHAPTER 505 OF

THE TEXAS LOCAL GOVERNMENT CODE

8. Approved a resolution approving the Fiscal Year 2016-2017 budget of the Midland Development Corporation. (FINANCE)

RESOLUTION NO. 2016 - 251

RESOLUTION APPROVING THE FISCAL YEAR 2016-2017 BUDGET OF THE MIDLAND DEVELOPMENT CORPORATION, A TYPE A CORPORATION AS AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE

9. Approved a resolution awarding a contract for the Midland International Air & Space Port Business Park, Roadway Infrastructure Improvements Project - Phase 1 for the Administration Department. (PURCHASING)

RESOLUTION NO. 2016 - 252

RESOLUTION APPROVING THE AWARD OF A CONTRACT FOR THE SPACEPORT BUSINESS PARK ROADWAY AND INFRASTRUCTURE IMPROVEMENT PROJECT - PHASE 1 TO JONES BROS. DIRT & PAVING CONTRACTORS, INC., IN THE AMOUNT OF \$973,737.25, FOR THE ROADWAY IMPROVEMENTS PORTION OF SAID PROJECT

10. Approved a resolution awarding a contract for the Midland International Air & Space Port Business Park, Utility Infrastructure Improvements Project - Phase 1 for the Administration Department. (PURCHASING)

RESOLUTION NO. 2016 - 253

RESOLUTION APPROVING THE AWARD OF A CONTRACT FOR THE SPACEPORT BUSINESS PARK ROADWAY AND INFRASTRUCTURE IMPROVEMENT PROJECT - PHASE 1 TO THE SOLE BIDDER, TEC EXCAVATION, INC., IN THE AMOUNT OF \$1,451,513.00, FOR THE UTILITY IMPROVEMENTS PORTION OF SAID PROJECT

11. Approved a resolution awarding a contract for the Bus Transfer Station Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 254

RESOLUTION AWARDING A CONTRACT FOR THE DOWNTOWN BUS TRANSFER STATION IMPROVEMENT PROJECT TO ENTRENCH, INC. OF HOBBS, NEW MEXICO, AT A TOTAL COST OF \$145,437.15; AND AUTHORIZING PAYMENT THEREFOR

14. Approved a resolution approving the purchase of twelve (12) Video Camera Systems including software and peripherals from Austin Ribbon & Computer Supplies, Inc. of Austin, Texas through the Department of Information Resources (DIR) contract DIR-TSO-2520 for a total cost of \$66,316.68 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2016 - 257

RESOLUTION APPROVING THE PURCHASE OF TWELVE (12) ARBITRATOR CAMERA SYSTEMS AND ACCESSORIES FOR POLICE VEHICLES FROM AUSTIN RIBBON & COMPUTER SUPPLIES, INCORPORATED, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$66,316.68

17. Approved a resolution authorizing the City Manager to acquire, on behalf of the City of Midland, for an amount not to exceed \$280,000 including closing costs, any real property interests necessary or appropriate, by any instruments of conveyance necessary or appropriate, for the use and benefit of the public for street, road, pedestrian access, drainage and public utility purposes, and for any other ancillary public use as is usual and customary in connection therewith at or near the following-described location: from the intersection of Business State Highway (BS) 158 (Andrews Highway) and Woodcrest Drive to the intersection of Sinclair Avenue and Lindora Way; appropriating funds in the amount of \$280,000 for right-of-way acquisition and related costs; appropriating funds in the amount of \$300,000 for utility construction; and appropriating funds in the amount of \$800,000 for roadway construction. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 260

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, ANY REAL PROPERTY INTERESTS NECESSARY OR APPROPRIATE, BY ANY INSTRUMENTS OF CONVEYANCE NECESSARY OR APPROPRIATE, FOR THE USE AND BENEFIT OF THE PUBLIC FOR STREET, ROAD, PEDESTRIAN ACCESS, DRAINAGE AND PUBLIC UTILITY PURPOSES, AND FOR ANY OTHER ANCILLARY PUBLIC USE AS IS USUAL AND CUSTOMARY IN CONNECTION THEREWITH FROM A POINT AT OR NEAR THE INTERSECTION OF BUSINESS STATE HIGHWAY 158 (ANDREWS HIGHWAY) AND WOODCREST DRIVE TO A POINT AT OR NEAR THE INTERSECTION OF SINCLAIR AVENUE AND LINDORA WAY; AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS, PURCHASE TITLE INSURANCE POLICIES AND HOLD THE CLOSINGS FOR SAID ACQUISITIONS; APPROPRIATING AND TRANSFERRING FUNDS IN THE AMOUNT OF \$1,380,000.00 TO THE WOODCREST DRIVE EXTENSION PROJECT; AUTHORIZING PAYMENT FOR SAID REAL PROPERTY INTERESTS, TITLE INSURANCE POLICIES AND CLOSING COSTS IN AN AMOUNT NOT TO EXCEED \$280,000.00; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY HAS RECORDED, ALL INSTRUMENTS OF CONVEYANCE

12. Approved a resolution awarding a contract for the Cured-In-Place Sewer Manhole Rehabilitation Project - Phase III for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 255

RESOLUTION AWARDING A CONTRACT FOR THE CURED-IN-PLACE SEWER MANHOLE REHABILITATION PROJECT - PHASE THREE TO INFRASTRUCTURE REHABILITATION USA, INC. OF SHREVEPORT, LOUISIANA, AT A TOTAL COST OF \$697,388.00; AND AUTHORIZING PAYMENT THEREFOR

Love manhole in his project 33 bids packs 2 came back 1 disqualified is 250,000 more than one disqualified. Understand not apples to apples but that is a lot of money. Is it possible that could resend out? Laura Wilson whatever Council desires. Do spray on liners in certain situations but in the draw need a little more than spray on. Thats why doing liner system. A lot of people on list were GC, can send oout for re-bid. Love

company rec is form LA think can spend more time to make calls. Poll to find out why not bidding. Courtney specialized only a few companies in US who does this type of lining so limited. Laura first two phases went to this company. When you look at per manhole similar costs. This one is alot more manholes. Love wrestles withit, know need it butthink. Mayor asked if want to make rec today. Love before reject bids do you think is contracted companies that might be able to get more bids. Laura might get more but don't know if could get anything lower. Spencer how long to take to get more six weeks.

Council Member Love moved to adopt Resolution No. 2016 - 255; 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.

13. Approved a resolution awarding a contract for the demolition of the Midland Center and the Midland Chamber of Commerce buildings for the General Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2016 - 256

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH LLOYD D. NABORS DEMOLITION, LLC, FOR THE DEMOLITION OF THE MIDLAND CENTER AND THE MIDLAND CHAMBER OF COMMERCE BUILDINGS AT A TOTAL COST OF \$157,500.00; APPROVING \$39,375.00 FOR CONTINGENCIES; AND AUTHORIZING THE APPROPRIATION OF \$6,925,000.00 FOR THE MIDLAND CENTER PROJECT

Sparks pulled to vote gainst and because against tearing down c of c building. contractor chosen has done good job in past, bid came in significantly under what City thought. even though voting against it glad came in under budget and pray coome in under budet in other areas too.

Council Member Lacy moved to adopt Resolution No. 2016 - 256; seconded by Council Member Robnett.

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

15. Approved a resolution approving a Professional Services Agreement Amendment for the Rehabilitation and Improvements to Spraberry Farms Project contract with HDR Engineering, Incorporated for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2016 - 258

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., FOR ENGINEERING SERVICES FOR THE REHABILITATION AND IMPROVEMENTS TO SPRABERRY FARM AND PLANT FARM

Love pulled to explain. Laura previosuly approved contract hdr for work at sprayberry mainly tow rok on lagoons to isolate from pump station. also in that had look at ground water ina rea thinking forward if sell effluent and not available forr crops fel ins cope of ponds they have preel draft that says not enough water out there and 5% barely keep

up with evap so no sense to move forward with formal report. When chose site because only site without roundwater. moving forward looking at if no longer have water going out to irrigate crops so only option is discharge permit. Can do within costs of orig scope but will take more time.

Council Member Love moved to adopt Resolution No. 2016 - 258; 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.

16. Approved a resolution authorizing the execution of a Public Improvement Development Agreement between the City of Midland and COG Realty LLC, with a not to exceed value of \$85,000, for the purpose of installing a pedestrian crossing warning system at 600 West Illinois Avenue and relocating school zone flashing beacons; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 259

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH COG REALTY LLC FOR PEDESTRIAN CROSSING IMPROVEMENTS AT 600 WEST ILLINOIS AVENUE AND THE RELOCATION OF SCHOOL ZONE FLASHING BEACONS; AND APPROPRIATING FUNDS THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

Lacy pulled robnet abstain.

Council Member Lacy moved to adopt Resolution No. 2016 - 259; seconded by Council Member Love.

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

SECOND READINGS

18. Consider an ordinance on second reading on a request by the City of Midland for the vacation of a 0.138-acre portion of the alley right-of-way, located adjacent to Lots 1 through 24, Block 54, Original Town Addition, City and County of Midland, Texas. (Generally located on the north side of West Wall Street, approximately 140-feet west of North Main Street) (DEVELOPMENT SERVICES) (First reading held August 09, 2016.)

ORDINANCE NO. 9589

AN ORDINANCE VACATING AND ABANDONING A 0.138-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 1-24, BLOCK 54, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WALL STREET, APPROXIMATELY 140 FEET WEST OF NORTH MAIN STREET); THE CITY OF MIDLAND BEING THE OWNER OF ALL ABUTTING PROPERTY; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9589.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9589 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

PUBLIC HEARINGS

19. Hold a public hearing regarding a proposal establishing the ad valorem tax rate of \$0.403560 per \$100 taxable assessed valuation for the Fiscal Year 2016-2017. This is a public hearing only. No further action will be taken. (FINANCE)

Finance Director Pam Simecka second required ph on tax increase to get citizen input.

Mayor Morales opened the public hearing at 10:35 a.m.

Buddy Sypes 902 Citation, former Council Member, disagree with proposed tax increase represents an added burden on property owners when major ind is in recession. According to many experts many bankruptcies to be seen in 07g bus. rather than raise taxes please consider alternative pay off 4b bonds and put excess in GF without property tax. Voters were promised that it would expire when bond paid off. To do anything different is disingenuous at best. If Council agrees money is in need of increase then put on sales tax to vote. Don't believe that a sales tax increase for now or in future. Today seeing fed gov make decision the elected elite in Washington believe good for us whether like it or not. Disconnect between avg citizen and fed gov.

Nelson Speer 4010 Almey Court, regarding effective tax rate as only measure in analyzing. with more revenue without even a tax increase because effective tax rate doesn't include new construction. It has been perpetuating and all appraisals have been going up. City is automatically getting more revenues without tax increase. If current econ conditions not suitable for tax increase. Midland population decreased from 132,000 to 128,000. Have more people and want to raise spending. 22nd in prop tax levied 17 in property tax value. Using wrong comparison and one of lowest but have higher taxes due to higher appraisal. Being more heavily taxed based on items have. Need to decrease spending and hold the course. Going to pass this. Request don't take citizens for granted.

Mayor on population where did you get population decreased. ISD increase of 2400 kids. Spencer City stated population 128,634 state comptroller 128,034. Less population.

Pastor Barrot STandford 1108 ?? concerns and suggestion. Concerned that proposed increase in taxes would hurt some of the citizens in Midland. A lot of hard working people trying to make living to pay taxes aren't able to be here. Judging by turnout today think we can say otherwise. Concern in holding hearing during this time of day citizens are at work and cannot attend and do not have a voice. Sure a lot would like to come and voice. He suggested that postpone the hearing and reset at time convenient for others to show that would like to voice opinions. Sure it wouldn't hurt Council to

schedule 4:30 or 5:00 p.m. Sparks would like to add get on the website can get email and email council whether or not can get on website. Hearings are poorly advertised. Last hearing that was held didn't know about it so don't know when to go to website. Mayor had 6 p.m. meeting no one shows up thought this year getting on radio

Rhonda Shutts 4310 Almoroy Drive, want to address how feel about this. worked in oil for 27 years. 18 months taken 20% cut in pay 15% cut in benefits, husband 10% cut in pay in last 6 months. She has to rearrange budget and live within means. speaks for thousands of oil and gas across the county and added. would love to retire but has to continue to go up so have to move somewhere in smaller community with lower taxes. if have to rearrange budget and live within means want council to do same thing. Federal govt completely out of hand. Appreciate work its hard and not easy. Hope take that into consideration. oil and gas will come back but will take time. Lacy that solidified his opposition.

Mark Kimball 112 S Lorain echo income on buildings down 20% taxes where were year before. Council can fix it by getting serious about cutting budget. No reason in world budget cannot be cut. assign citizen committees to look dept by dept to see what can be cut. Used to be vp of chamber of growth good how come it costs more. Keep spending more money for citizen. if growth good should be cheaper.. Love where does it say growth cheaper. Kimball when company gets cheaper try to hold costs down. object of growth is making more money by doing job more efficiently look at why not. per citizen cost should go down.

Mayor what's challenging received presentations on needs at growth our census 132,000 county 150,000. We are growing and how do you maintain growth. Roads introduced way going after road a lot more debt. He is challenged trying to identify cut the budget and get back to effect but how do we maintain services. Midland Center is irrelevant using hotel/motel taxes to take care of that. Truly understand story of economy. Trying to work with staff to get to effective rate. Can look at 4B tax. Heard Buddy Sypes 4b tax .25 of every dollar can only be used at Sports Complex. Would like to see and reimburse GF from 4b at tune of 900,000 to drop effective rate 2% to see how can get tax rate down and still maintain services. He shared graph from M&O debt that has come down it is at lowest city has ever been seen. Lacy with decrease in tax rate seen increase in property valuation levy will go lower. For street maintenance if go out and get voter approval then no one can be upset because issue brought before citizens. Right now 5.3 M for mill and overlay. think should be done through bond issue for citizens to get. How do we fund continuing maintenance to give 30 year life span. About 6.7 M between main and mill and overlay but have to address road issues. Agasint tax increase.

Dorothy Covos 4619 Thomason Road, told it would be on November ballot maintained or going away 4b. Morales 4b will not be on november ballot. Mayor did not want to put this with education issue for school district. felt this community needed to focus on education. this will take place next may. Consider it a slush fund what will money. 4B committee that will reduce in expenditures at sports complex sports facilities then can have discussion about how money can be used city wide. Score board and sound system need work turf plant, parking lot used for that. Subsidize school district. If charged school district it would get closer.

Kade Dutton, 3802 WCR 140, one income family disabled 3 children hard to make ends

meet faced with eminent domain going to take part of property but approved 6000/acre paid 30,00 Lacy no eminent dmoain.

There being no one else wishing to speak, the public hearing was closed at 11:04 a.m.

Love in favor of tax increase for several reasons. shared slides far behind others cities. shared gap of maintenance needed and budgeted amount. A lot oof ptholes since oil bust came , 30% of street paving index of less than 50 you have to rebuild the street. Right now throwing money at to patch and repair but needs to be reconstructed. Cost \$112 M. Going to have another 30% getting close to 50 this number could potentially double. Cumulative paving index for COM 71 lower than all other cities. COM largest asset are its street and tehy are deteriorating at rapid rate. Understand what everybody is saying but have a serious problem and rprevious councils have kicked can down the road. He knows dont' want taxes raised but this is a conservative city is to repair and maintain as opposed to replace. Fiscally smart thing to do is to take care of number one asset. Extra \$30 for the average house but if dont' address problem going to have even more and have to issue so much debt that will affect credit rating. It s a disservice to not raise taxes. Can talk about taxpayer pocket books and what it means. Reality of situation is Midland number one asset is deteriorating and not solving problem. Need \$25M ayear to maintain streets. currently budgested \$5m. Keep hearing we keep taxes low that is not a badge of honor. (2) how many know about conditions of street need to do something about streets. Last thing kept taxes 1-2-3% in 2008 had to raise taxes 6%. same thing in 2011 in 2010 no increase and in 2011 had to raise 5.5%. That should scare a little moderate increase TX leg for last two session push to cap raising taxes. There might be situaiton wehr elegis caps increase and then won't be able to raise taxes wehn need it. Propose have moderate taxes over size. Disingenuous to say because growing getting more money so don't need more. As City grows so do expenses. Gladly play the tax villain not elected to tell what want to hear but to manage and do what is right for city.

Lacy glad support tax bond. Love not what said.

Mayor encourage all to email reach out to Council

20. Hold a public hearing and consider a resolution on a request by the Midland Children's Rehabilitation Center for a Fundraiser on Lot 2, Block 4, 'A' Street Community Center, Section 6; a 2.07-acre portion of Lot 1, Block 2, 'A' Street Community Center, Section 5; a 1.12-acre portion of Lot 1, Block 4, 'A' Street Community Center, Section 4; and a 0.55-acre portion of Windlands Park, City and County of Midland, Texas. (Generally located northwest of the intersection of Ventura Drive and North 'A' Street. - Council District 3) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 261

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FUNDRAISER ON A 1.12-ACRE PORTION OF LOT 1, BLOCK 4, A STREET COMMUNITY CENTER, SECTION 4, A 2.07-ACRE PORTION OF LOT 1, BLOCK 2, A STREET COMMUNITY CENTER, SECTION 5, LOT 2, BLOCK 4, A STREET COMMUNITY CENTER, SECTION 6, AND A 0.55-ACRE PORTION OF WINDLANDS PARK, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF VENTURA DRIVE AND NORTH A STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL

CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief over tlp for live concern and fun raiser ffor midland childrens rehab center. Ap req hours 3-6 p set up op 6-10 pm sept 22. consst of music dinner raffle tickets, 8 restrooms 2 security guards. no loj staff rec approval.

Mayor Morales opened the public hearing at 11:18 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2016 - 261; seconded by Council Member Lacy.

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

21. Hold a public hearing and consider a request by Johnny Reyes for a Zone Change from CE, Country Estate District, in part, and AE, Agriculture Estate District, in part, to PD, Planned District for a Transition District, with an underlying zoning of LR-1, Local Retail District, on a 7.45-acre tract of land, being all of Lot 1, Block 1, Rolling Green Acres Addition, and a 6.25-acre tract of land out of Section 42, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located northwest of the intersection of Todd Drive and E. Highway 80.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9590

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 7.45-ACRE TRACT OF LAND, BEING ALL OF LOT 1, BLOCK 1, ROLLING GREEN ACRES ADDITION, AND A 6.25-ACRE TRACT OF LAND OUT OF SECTION 42, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED CE, COUNTRY ESTATE DISTRICT, IN PART, AND AE, AGRICULTURE ESTATE DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF TODD DRIVE AND EAST HIGHWAY 80); 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 Lopez read the caption of Ordinance No. 9590.

Development Services Director Chuck Harrington gave a brief overview of the item noting zone change request was before Council June of this year requesting straight zone change. Issues there council directed to withdraw and come back as PD and that is what app is. requesting zone change to PD to allow golf course green acres for improvements. This is most restrictive underlying zoning of Ir1 all changes have to come before city council with public hearing. P& Z rec approval and staff rec approval. There is enough objection letters requires super majority of Council. Morales this allows them to improve their property. chuck yes.

Mayor Morales opened the public hearing at 10:29 a.m.

Ben Sanchez, Schuman engineering done everything council asked and want council approval. upgrading bathrooms, and that type of improvements. Mr and Mrs Reyes present.

Lacy appreciate applicant doing this well appreciate applicant withdrawing and doing this zoning.

Rachel Stone, 1902 N Pecos, on behalf of Green Acres, she too went to Green Acres as a child and taken grand awesome place need improvements. One thing told me was a lot of bars and not enough things for kids can do. alcohol free can take entire family for about \$20. The Reyes family here for generations give a lot back to community donate games to schools, gave proceeds to volunteer fire dept. they believe in the community, large family with kids, grandkids want place to keep going. if don't support will deteriorate.

Yoyo Ketter 1101 Todd think all know why here thanked Mr. Love for trying to set up meeting. short notice. Not sure what went out believe all neighbors do not have issues with upgrade of golf course she would love to see that happen. Did talk with Carpenter Jessica golf course has to be brought up to code min of 200,000 not just changing out an AC which is minimal. Her problem is she said if not brought up to code they will be brought down so where are we. Are we really going to update and expand or trying to get to a retail zone which nobody in the neighborhood wants.

There being no one else wishing to speak, the public hearing was closed at 10:34 a.m.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9590 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Love commend Reyes for working with community excellent compromise before anything changed has to come before council and council has to approve. think this is a great comp and support.

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

22. Hold a public hearing and consider a request by Haskell Restaurant Group, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on premises consumption, in a restaurant, on a 3,200-square foot portion of Lot 6A, Block 2, Amaron Addition, Section 6, City and County of Midland, Texas. (Generally located approximately 420-feet west of Rankin Highway, and approximately 465-feet south of Wolcott Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9591

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,200-SQUARE FOOT PORTION OF LOT 6A, BLOCK 2, AMARON ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 420 FEET WEST OF RANKIN HIGHWAY AND APPROXIMATELY 465 FEET SOUTH OF WOLCOTT AVENUE), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT

WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A 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 Lopez read the caption of Ordinance No. 9591.

Development Services Director Chuck Harrington gave a brief overview of the item noting dickies bbq underlying zoning lr2 spec use term fwth term for alcoholic bev s-s 11 a.m. to 10 p.m. staf rec approval subjeto to cond placed in packet.

Mayor Morales opened the public hearing at 11:20 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9591 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

23. Hold a public hearing and consider a request by Haskell Restaurant Group, LLC for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 3,700-square foot portion of Lot 5A, Block 7, Claydesta Plaza, Section 12, City and County of Midland, Texas. (Generally on the north side of W. Wadley Avenue, approximately 220-feet west of Desta Drive. - Council District 3) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9592

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,700-SQUARE FOOT PORTION OF LOT 5A, BLOCK 7, CLAYDESTA PLAZA, SECTION 12, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 220 FEET WEST OF DESTA DRIVE), 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 Lopez read the caption of Ordinance No. 9592.

Development Services Director Chuck Harrington gave a brief overview of the item noting another location lr2 district would have floor area 3700 sq ft. lr2 support this spef use permit for sale of al s s 11 a.m. to 10 p.m. no church or shcools in 300 feet rec approval subjhet to conditions.

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

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9592 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

24. Hold a public hearing and consider a resolution on a request by Senior Link Midland for a Temporary Land Use Permit for a Philanthropic Event (Garage Sale) on the west 51.5-feet of Lot 5, all of Lots 6-10, 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.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 262

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); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a breif overview of the item notiating annual request form Senior Llnk for 27th annual garage sale fundraiser. Proposal is fri oct 14 10-3 sat oct 15 8i:"30 300 oct 16 2-4 p.m. no st closures no street music no alcoholic bev. According to police reports no incidents staff rec approval. Love if not serving alcohol reasonable hours why 7 off duty officers. Chuck don't know if its their requirement. Love doesn't seem like nee d7 officers. Jody Sneed 3301 Sinclair, because of combined conditions can updowns of 1500 people at one time it looks like a walmart on acid very comfortable with 7 peace officers. This is everybody in Midland donate year round. thousands come out and sponors of event. Right now 40-60 retired volks give 10,000 hours stocking and pricing to get meals on wheels 5 days a week. Peace officers are a prt of event.

Mayor Morales opened the public hearing at 11:26 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2016 - 262; seconded by Council Member Lacy.

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

25. Hold a public hearing and consider a resolution on a request by St. Ann's Catholic Church for a Temporary Land Use Permit for a Church Fair and Carnival on Lot 13, Block 71, West End Addition, Section 15, and a 0.66-acre portion of W. Texas Avenue right-of-way, City and County of Midland, Texas. (Generally located southeast of the

intersection of West Illinois Avenue and O Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 263

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FAIR AND CARNIVAL ON LOT 13, BLOCK 71, WEST END ADDITION, SECTION 15, LOTS 1-6, BLOCK 77, WEST END ADDITION, AND A 0.66-ACRE PORTION OF WEST TEXAS AVENUE RIGHT-OF-WAY LOCATED BETWEEN NORTH N STREET AND NORTH M STREET, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST ILLINOIS AVENUE AND NORTH O STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting annual St. Anns church fair a carnival. this is their 68th annual fair. they made req thur 9/22 6-10:30 fri 23 6 1030 sat 24 8 12 30 sunday 1 to 6 p.m. for carnival. 4 day event carnival music level reduced after 10. sale of alco bev on saturday. 20 port restrooms and 24 security guards. no loj rec approval.

Mayor Morales opened the public hearing at 11:28 a.m.

Warren Ivey 2911 Rebel Drive, owner of 2011 West Wall property across alley from this location. Been there 4 years and want to say that church very cooperative with parking, runs a business during time. Put signs up for no parking in parking lot been respected every year. great neighbor appreciate what do in community.

Maye DeAnda, 4509 Gleneagles dr, parish manager do best to respect citizens, put out signs to park in correct places, thank for support.

There being no one else wishing to speak, the public hearing was closed at 11:29 a.m.

Council Member Love moved to adopt Resolution No. 2016 - 263; seconded by Council Member Hotchkiss.

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

26. Hold a public hearing and consider a request by Maverick Engineering for a Zone Change from PD, Planned District for a Transition District to LR-2, Local Retail District on Lot 2, Block 1, Wallace Heights, Section 2, City and County of Midland, Texas. (Generally located on the east side of N. Loop 250 West, approximately 500-feet north of Andrews Highway.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9593

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, WALLACE HEIGHTS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH LOOP 250 WEST, APPROXIMATELY 500 FEET NORTH OF ANDREWS HIGHWAY); 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 Lopez read the caption of Ordinance No. 9593.

Development Services Director Chuck Harrington gave a brief overview of the item noting zone change request located adjacent to new chick fila this is north of that. proposing small strip center on this property. Gone through process staff reviewed especially with site plan for joint access with chickfila. Zoning will meet comp plan and surrounding area. Staff received no loj, rec approval.

Love strip mall chuck 3 spaces.

Mayor Morales opened the public hearing at 11:32 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9593 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

27. Hold a public hearing and consider a resolution on a request by Juana Mendoza for a Temporary Land Use Permit for a Church Festival on Lots 7 through 9, Block 191, Southern Addition, City and County of Midland, Texas. (Generally located northeast of the intersection of S. Terrell Street and E. Dakota Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 264

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FESTIVAL ON LOTS 7-9, BLOCK 191, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH TERRELL STREET AND EAST DAKOTA AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting tlup for church festival hours fri 8/26 6-1 sat 8/27 10-1 a.m. want to reserve 12 a.m. to 1 a.m. for cleanup only. Two day event incude live and recorded music and volume reduced at 10. no alco bev 4 port restroom 3 security guards. events held last year no incidents reported. staf rec approval.

Mayor Morales opened the public hearing at 11:34 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2016 - 264; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Lacy,

Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks, Dufford.

28. Hold a public hearing and consider an ordinance on a request by COG Realty, LLC for the vacation of the 0.137-acre portion of the alley right-of-way, located adjacent to Lot 1, Block 32, Homestead Addition, City and County of Midland, Texas. (Generally located on the north side of W. Michigan Avenue, approximately 140-feet west of N. Pecos Street.) (Planning Admin)

ORDINANCE NO. 9594

AN ORDINANCE VACATING AND ABANDONING A 20-FOOT ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 32, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST MICHIGAN AVENUE, APPROXIMATELY 140 FEET WEST OF NORTH PECOS STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$11,928.00; AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED WITH COG REALTY LLC, A TEXAS LIMITED LIABILITY COMPANY, FROM WHICH THE CITY RESERVES AND EXCEPTS A NON-EXCLUSIVE UTILITY EASEMENT AND RIGHT-OF-WAY UNTIL EACH EASEMENT USER ABANDONS ITS USE OF SAID EASEMENT; AUTHORIZING THE EXECUTION OF ANY DOCUMENTS NECESSARY OR APPROPRIATE TO EFFECT SAID TRANSACTIONS; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9594.

Development Services Director Chuck Harrington gave a brief overview of the item noting future development site own property on both sides of alley. asking vacate contacted all utilities everyone has lines will have it reloacted as developed. Price \$2 SQFT. receive no objection rec approval.

Lacy they don't own entire block come to agreement chuck yes.

Mayor Morales opened the public hearing at 11:37 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9594 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

APPEAL HEARING

29. Conduct a hearing and consider a motion appealing the Building Official's denial of sign permit applications by Texas Republic Signs for the Stripes located at 11200 Highway 191, Midland, Texas (Generally located on the northeast corner of the intersection of Farm to Market Road 1788 and Highway 191.) (DEVELOPMENT SERVICES)

chuck discussed at prev metg time at request 712 sq ft of sign space reduced to 696 sq ft. council heard request for denail was upheld. Since toime applicant request aappeal but filed additional ap for proeprty. New app jumps number up to 1042 square feet.

Two being held at same time. additional canopy signs and additional third freestanding sign. a lot of reference to other sites including another stripes that has 3 signs at Big spring and loop 250 done in 1995. This site exceeds what stripe has been putting in prior years. In odessa Faudree/Hwy 191 doesn't have that much signage. Talk about other ones that Council reviewed on Interstate 20. Talk about Ken Kwik 191/Avalon. Love seem like what is putting over top is sunoco logo. Sunoco just bought stripes and trying to brand and that sign is what putting over top. Love talk about ingres/egres. Chuck directional signs. Love concerns about safety 191/1788 wasn't really comprehending. proposed 8 sq ft directional signs City standard is 4. they reduced request to 6 sq ft.

Robnett clarify what is going on if reviewing both today. John first heard reviewing 2. Frank first application that put in came to Council on appeal voted did not give applicant opportunity to speak. PUT it back on next agenda in meantime aplicant madea new application for more signal and building officiage denied that so first one you actually have denied but iddn't give applicant you can vote both. Frank in ord not ph allows applicant chance to speak. Now stuck appeal hearing.

Bernardo Nevaaez, Micahel eEverett. Lacy asked if increase sign. Tx Republic signs on behalf of Sunoco. Spencer first and second application oversight so should be second application. AGree forget about first. Lacy how come all other stripes follow ord but this one can't. Bernardo same as other. Same on all other ones. Love its not number but square footage of overall. 1995 was a chevron that got rebranded to Sunoco does have ground signs subway and 3 for sunoco strips. Robnett exact sq footage of existing stripes. Lacy this corridor into City if current store is within sign then this one can be too.

Bernardo last meeting made reference to Pilot on 20 and Garden that one got allowance of over 1000 sq feet. He reserached website of major highways this is on major highway. Love ordinance talks about I-20 which is not a major highway. ORDianncce specifically says I-20. Willing to work, if can reduce amount of ground signs from what proposing openj to that option. Love established whaat is allowable by right. When first saw was supportive of original applicaaaiton, nothing out there, dark. but to come back and tirlpe amount doesn't make sense. Bernardo only did because new drawing wwere submitted to them. Changes every day. Their responsibility to present on behalf of customers. Hotchkiss if its against law can't do waht they wish. Lacy approved the Kent Kwik at 406. Lacy major corridor going to get plenty of busienss can't approve 1000 sq feet too much. Love Council made exceptions when made sense. Synergy totally way above signn ordiancne requireents, looking at that it made sense because of vastness of building, set back and area. This does not. Robnett if reject two appeals today is there waiting period. no Robnett wont' pass anywhere near what requested. Maybe try one more time nice clean application more reasonable . If took out proposed sign. have to resubmit new application. Love you are contractors to build sign where is owner where is applicant? Have problem because htis is busienss but people who should advocating is applicant owner.

Love if vote won't it make more sense.

Council Member Robnett moved to approve a motion appealing the Building Official's denial of sign permit applications by Texas Republic Signs for the Stripes located at 11200 Highway 191, Midland, Texas (Generally located on the northeast corner of the

intersection of Farm to Market Road 1788 and Highway 191.); seconded by Council Member Love.

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

MISCELLANEOUS

30. Approved a motion approving a preliminary plat of Devon Addition, Section 6, being a 75.75-acre tract within the west half of Section 8, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Wright Drive and State Loop 40.) (DEVELOPMENT SERVICES)

Chuck Harrington large tract of land anything larger than 25 acres come to council for approval. txdot reviewed, trans rec moving staff rec changes. Primarily moving forward proposed lots will be used for TX Dept of Public Safety just trying to move dps offices. aware of all requirements workign thorough technical items.

Council Member Love moved to approve a motion approving a preliminary plat of Devon Addition, Section 6, being a 75.75-acre tract within the west half of Section 8, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Wright Drive and State Loop 40.); seconded by Council Member Lacy.

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

31. 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. 9503; 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. 9595

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. 9503; 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 SueAnn Lopez read the caption of Ordinance No. 9595.

Mike Pacelli, house cleaning not changing any times lengthening school zones

shortening, adding neeley . Lacy Cuthburt/Midland extended. Mike that came up after end of school year it will be addressed after school starting will look at. don't want to be about 300 feet beyond crossing location.

Mike answered questions about other school zones.

Council Member Love moved approval of the first of two readings of Ordinance No. 9595 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

EXECUTIVE SESSION

Recess to Executive Session at 12:02 p.m.

32. 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.

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