

**MIDLAND CITY COUNCIL
MINUTES
August 25, 2015**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on August 25, 2015.

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

Council Members absent: None.

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

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at ____ a.m., August 25, 2015.

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

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

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:02

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

PRESENTATIONS

noen.

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

PUBLIC COMMENT

Kirk, 3014 SCR 1213 Uber like on gend for disc

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

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 5 - 23 excluding 6, 12, 14, 18, 19, 22; 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.

5. Approved a motion approving the following minutes:
 - a. Regular meeting of August 11, 2015.
7. Approved a resolution allocating four hundred fifty thousand dollars (\$450,000.00) to the Facilities Renovation Project (9059) for the General Services Department. (PURCHASING)

RESOLUTION NO. 2015 - 246

RESOLUTION ALLOCATING \$450,000.00 TO THE FACILITIES RENOVATION PROJECT (9059) FOR THE REPAIR OF VARIOUS CITY FACILITIES

8. Approved a resolution approving specifications and authorizing advertisement for bids for the purchase of three (3) pivot irrigation systems and parts for the Spraberry Farm. (PURCHASING)

RESOLUTION NO. 2015 - 247

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THREE PIVOT IRRIGATION SYSTEMS AND

PARTS FOR USE AT THE SPRABERRY FARM

9. Approved a resolution approving specifications and authorizing advertisement for bids for the purchase of four (4) side wheel roll irrigation systems and parts for the Spraberry Farm. (PURCHASING)

RESOLUTION NO. 2015 - 248

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR FOUR SIDE WHEEL ROLL IRRIGATION SYSTEMS AND PARTS FOR USE AT THE SPRABERRY FARM

10. Approved a resolution approving a professional services agreement for the Midland Edgewood Ground Storage Tanks Rehabilitation Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2015 - 249

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING SERVICES WITH PARKHILL, SMITH & COOPER, INC., FOR THE EDGEWOOD GROUND STORAGE TANKS REHABILITATION PROJECT; PROVIDING THAT THE FEE SHALL NOT EXCEED \$110,000.00; AND APPROPRIATING FUNDS

11. Approved a resolution authorizing the execution of a contract with Playgrounds Etc., LLC, of Midland, Texas for the purchase and installation of one (1) shade structure at Greathouse Park, two (2) shade structures at the Beal Dog Park, and a Gazebo at Beal Park. Also, for the purchase of replacement shade canopies for Beal Park Soccer and the Bill Williams Complex at Hogan Park. The total cost for all items is \$94,808.00 through Buyboard for the Parks Division. (PURCHASING)

RESOLUTION NO. 2015 - 250

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PLAYGROUNDS ETC., LLC, FOR THE PURCHASE AND INSTALLATION OF A GAZEBO AND SHADE STRUCTURES AT A COST OF \$89,505.00, AND APPROVING THE PURCHASE OF REPLACEMENT SHADES IN THE AMOUNT OF \$5,303.00 FOR A TOTAL COST OF \$94,808.00

13. Approved a resolution approving the 2015 International Building Code, 2015 International Plumbing Code, 2015 International Mechanical Code, 2015 International Fuel Gas Code, 2015 International Residential Code and the 2015 International Energy Conservation Code, with amendments, as a public record to be filed with the City Secretary for a minimum of thirty (30) days before any action is taken by City Council. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 252

RESOLUTION APPROVING THE 2015 INTERNATIONAL BUILDING CODE, WITH AMENDMENTS, THE 2015 INTERNATIONAL ENERGY CONSERVATION CODE, WITH AMENDMENTS, THE 2015 INTERNATIONAL FIRE CODE, WITH AMENDMENTS, THE 2015 INTERNATIONAL FUEL GAS CODE, WITH AMENDMENTS, THE 2015 INTERNATIONAL MECHANICAL CODE, WITH AMENDMENTS, THE 2015 INTERNATIONAL PLUMBING CODE, WITH AMENDMENTS, THE 2015 INTERNATIONAL RESIDENTIAL CODE, WITH

AMENDMENTS, AND THE 2014 NATIONAL ELECTRICAL CODE, WITH AMENDMENTS, AS PUBLIC RECORDS; AND PROVIDING THAT ALL OF SAID CODES SHALL BE PUT ON FILE IN THE OFFICE OF THE CITY SECRETARY FOR A MINIMUM OF THIRTY (30) DAYS BEFORE ANY ACTION IS TAKEN BY THE CITY COUNCIL

15. Approved a resolution authorizing the negotiation and execution of an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone #1 and Target Contracting, TDM, LLC. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 254

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ) AND TARGET CONTRACTING, TDM, LLC, SAID AGREEMENT WAS PREVIOUSLY APPROVED BY THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ)

16. Approved a resolution authorizing the negotiation and execution of an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone #1 and the City of Midland. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 255

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

17. Approved a resolution ratifying and approving a resolution of the Board of Directors of the Midland Housing Finance Corporation (The Corporation) approving the transfer of all funds and property held by the Corporation to the City of Midland; and accepting said funds and property which are to be used to provide for the housing needs of individuals and families of low and moderate incomes (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 256

RESOLUTION RATIFYING AND APPROVING A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDLAND HOUSING FINANCE CORPORATION (THE "CORPORATION") APPROVING THE TRANSFER OF ALL FUNDS AND PROPERTY HELD BY THE CORPORATION TO THE CITY OF MIDLAND; ACCEPTING THE TRANSFER OF \$238,114.97 AND ALL OTHER FUNDS AND PROPERTY HELD BY THE CORPORATION WHICH ARE TO BE USED BY THE CITY TO PROVIDE FOR THE HOUSING NEEDS OF INDIVIDUALS AND FAMILIES OF LOW AND MODERATE INCOMES; AND DEPOSITING AND APPROPRIATING THE ACCEPTED FUNDS

20. Approved a resolution authorizing the City Manager to negotiate and acquire any Right-of-Way necessary for public use along Mockingbird Lane from Garfield Road to A Street, between Sections 3 and 10, Block X H.P. Hilliard, to seek an appraisal, and upon final acceptance of the agreement by City Council to execute any documents, paperwork, titles, deeds, etc. necessary to complete the Right-of-Way acquisition; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 259

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 MOCKINGBIRD LANE AND NORTH GARFIELD STREET TO A POINT AT OR NEAR THE INTERSECTION OF MOCKINGBIRD LANE AND NORTH A STREET; AUTHORIZING THE CITY MANAGER TO OBTAIN APPRAISALS, NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS, PURCHASE TITLE INSURANCE POLICIES AND HOLD THE CLOSINGS FOR SAID ACQUISITIONS; AUTHORIZING PAYMENT FOR SAID APPRAISALS, TITLE INSURANCE POLICIES AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, ALL INSTRUMENTS OF CONVEYANCE

21. Approved a motion on request by Schumann Engineering Co. Inc. to defer public paving and utility improvements for Main Event Sports Addition and to waive the corresponding financial security guarantee valued at \$414,527, an amount equal to the estimated cost of construction. The subject property is located in the City of Midland Extra Territorial Jurisdiction on the southwest corner of the intersection of E CR 60 and N CR 1140 in Midland County, Texas. (ENGINEERING SERVICES)
23. Approved a resolution to Accept Grant Funding Awarded by TXDOT to the Midland Police Department to Conduct a FY2016 Comprehensive STEP Enforcement Project. (POLICE)

RESOLUTION NO. 2015 - 261

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$17,297.50 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION IN ORDER TO CONDUCT A FISCAL YEAR 2015-2016 COMPREHENSIVE SPECIAL TRAFFIC ENFORCEMENT PROGRAM FOR INTERSECTION TRAFFIC CONTROL ENFORCEMENT, SPEED ENFORCEMENT, AND DRIVING WHILE INTOXICATED ENFORCEMENT; SAID GRANT AWARD REQUIRES A CITY CASH MATCH IN THE AMOUNT OF \$1,402.50; PROVIDING THAT THE GRANT FUNDS SHALL BE USED TO PAY OVERTIME TO POLICE OFFICERS WORKING ON SAID PROGRAM; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS; AND APPROPRIATING GRANT FUNDS

6. Approved a resolution approving plans and specifications and authorizing the City Manager to give notice to advertise for bids to construct the City of Midland COMPASS Paving Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2015 - 245

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE CITY OF MIDLAND PAVING: ALLEYS, STREETS, AND SIDEWALKS ("COMPASS") PROJECT; SAID PROJECT WILL

PROVIDE FOR THE INSTALLATION OF NEW PAVEMENT, SIDEWALKS, CURBS AND GUTTERS, AND PEDESTRIAN CURB RAMPS AT MULTIPLE LOCATIONS IN SOUTH CENTRAL MIDLAND

Council Member Lacy moved to adopt Resolution No. 2015 - 245; seconded by Council Member Robnett.

Lacy pulled all proj award to one contract need to make sure dmg clause since over .5 mill.

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

12. Approved a resolution approving an Economic Development Agreement between the Midland Development Corporation and COG Realty LLC for the construction of a multi-level parking facility in downtown Midland; approving a Parking Lease Agreement between the City of Midland and COG Realty as part of said project; and approving a Temporary Parking Lease Agreement between the City of Midland and COG Realty as part of said project. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2015 - 251

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND COG REALTY LLC FOR THE CONSTRUCTION OF A MULTI-LEVEL PARKING FACILITY IN DOWNTOWN MIDLAND; APPROVING A PARKING LEASE AGREEMENT BETWEEN THE CITY OF MIDLAND AND COG REALTY LLC AS PART OF SAID PROJECT; AND APPROVING A TEMPORARY PARKING LEASE AGREEMENT BETWEEN THE CITY OF MIDLAND AND COG REALTY LLC AS PART OF SAID PROJECT

Council Member Hotchkiss moved to adopt Resolution No. 2015 - 251; seconded by Council Member Lacy.

robnett abstain

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

14. Approved a resolution authorizing the negotiation and execution of an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone #1 and Downtown Midland Management District for the development of a Downtown Food Truck Court. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 253

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ) AND THE DOWNTOWN MIDLAND MANAGEMENT DISTRICT, SAID AGREEMENT WAS PREVIOUSLY APPROVED BY THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ)

Council Member Lacy moved to adopt Resolution No. 2015 - 253; seconded by Council Member Love.

Lacy question on 175,000 where spent if timeframe. open ended. Harrington part of problem is working on contact for property rather than answer. Dufford tied with deed investment. if deal falls through money returned to taxing entities. if not done by September 30th goes back to all taxing entities. where located can't say under negotiations. DanRush DMMD 2502 Seaboard, have offer on piece of land that have not yet heard back from but terms of agreement if not consummated that can't finalize this agreement then money returned back to taxing entity. Frank under misc repayment have 3 years to construct food court if not constructed then agreement void. Robnett general idea of where. Dan inside TIRZ and inside DMMD. Mayor if project not completed funds returned. Courtney obligating funds as long as obligated by Sept 30 then project has deadlines if don't meet deadline goes back to taxing entities. Mayor not all city coffers.

Robnett not working on plan for food trucks as Todd Brown 3200 Mariana, to point when those things that working with during centennial plaza those will be used for just events or permanent. Robnett conversation next week.

orales will bring different style of eating out in Midland.

Robnett DMMD how much funding. Dan est 400,000 on top of TIRZ.

Mayor DMMD will manage the project. Frank for 10 years.

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

18. Approved a resolution authorizing and executing a Right-of-Way License between City of Midland, Texas and WTG Gas Processing LP, said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing a petroleum pipeline, not to exceed six (6) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose: the pipeline is located within the City of Midland property, Section 34, Block 38, T-1-N, T&P RR Co. Survey, Martin County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 257

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND WTG GAS PROCESSING LP REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 34, BLOCK 38, TOWNSHIP 1 NORTH, T&P RR CO. SURVEY, MARTIN COUNTY, TEXAS

Council Member Love moved to adopt Resolution No. 2015 - 257; seconded by Council Member Lacy.

Love pulled in app says revenue generated from fees will be deposited into airport fund, why. Mike property in Martin County so any revenue generated on parcels is given to airport fund. Love that is land where relocating airport city still owns.

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

19. Approved a resolution authorizing the City Manager to negotiate and reimburse any utility adjustments necessary along Fairgrounds Road from Loop 250 to E Pecan Avenue and execute any agreements, easements, etc. necessary to complete the utility adjustments; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 258

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL AGREEMENTS NECESSARY FOR THE ADJUSTMENTS OF UTILITIES AFFECTED BY THE WIDENING OF FAIRGROUNDS ROAD FROM LOOP 250 TO EAST PECAN AVENUE; AND AUTHORIZING PAYMENT THEREFOR

Council Member Lacy moved to adopt Resolution No. 2015 - 258; seconded by Council Member Love.

Lacy pulled what is anticipated cost jose trying to get numbers form Plains pipeline anticipating \$600,000 lacy already budgeted jose yes going to actual utility uswer.s lacy when ant start construction. jsoe proj will let ready as early as November. lacy all landowneers inagreement to sell or odnate row. jose understand every.

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

22. Approved a resolution appointing an Associate Substitute Judge. (MUNICIPAL COURT)

RESOLUTION NO. 2015 - 260

RESOLUTION APPOINTING TWO SUBSTITUTE JUDGES FOR THE CITY OF MIDLAND MUNICIPAL COURT

Council Member Hotchkiss moved to adopt Resolution No. 2015 - 260; seconded by Council Member Lacy.

Hotchkiss happy two qualifiued people. reco julia swallow. additional judge is robin smith both greeat deal of knowledg.e

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

SECOND READINGS

24. Consider an ordinance on second reading on request by Jason Horowitz for a zone change from 1F-2, One-Family Dwelling District, in part, and LR-3, Local Retail District, in part, to LR-3, Local Retail District, on Lots 1 and 2, Block 2, Primitive Baptist Addition, and Lot 3, Block 193, Southern Addition, City and County of Midland, Texas (Generally located northwest of the intersection of East Dakota Avenue and South Atlanta Street.) (DEVELOPMENT SERVICES) (First reading held on August 11, 2015.)

ORDINANCE NO. 9464

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING

CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1 AND 2, BLOCK 2, PRIMITIVE BAPTIST ADDITION, AND LOT 3, BLOCK 193, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, IN PART, AND LR-3, LOCAL RETAIL DISTRICT, IN PART, TO BE USED AS AN LR-3, LOCAL RETAIL DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF EAST DAKOTA AVENUE AND SOUTH ATLANTA 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

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9464 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

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

25. Consider an ordinance on second reading on a request by Mac's BBQ and Catering for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 10,631-square foot portion of Lots 16 through 18, Block A, Garrett Place Addition, City and County of Midland, Texas (Generally located on the north side of West Indiana Avenue, approximately 160-feet east of Carlton Street.) (DEVELOPMENT SERVICES) (First reading held on August 11, 2015.)

ORDINANCE NO. 9466

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 10,631-SQUARE FOOT PORTION OF LOTS 16-18, BLOCK A, GARRETT PLACE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST INDIANA AVENUE, APPROXIMATELY 160 FEET EAST OF CARLTON STREET), WHICH IS PRESENTLY ZONED LR-3, 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

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9466 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9466.

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

PUBLIC HEARINGS

26. Hold a public hearing regarding a proposal establishing the ad valorem tax rate of \$0.38048 per \$100 taxable assessed valuation for the Fiscal Year 2015-2016. This is a public hearing only. No further action will be taken. (FINANCE)

Courtney gave overview of item noting submitted of budget balanced rep 109M dec of tax rate 1.34 cents exp inc 3.3 m or 3.13 % over current budget. the tax rate .393891 prop eff plus 3 .38048 this will be combined with oth rev to help gen enough rev to fund gf by svcs that citizens have accustomed to.

Mayor Morales opened the public hearing at 10:24 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

27. Hold a public hearing and consider an ordinance on a City initiated request for the vacation of the 1.20-acre portion of Cotton Flat Road adjacent to the east of Lot 1, Block 1, Horseshoe Addition, City and County of Midland, Texas. (Generally located northeast of Cotton Flat Road and S. Garfield Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9467

AN ORDINANCE VACATING AND ABANDONING A 1.20-ACRE PORTION OF COTTON FLAT ROAD RIGHT-OF-WAY ADJACENT TO LOT 1, BLOCK 1, HORSESHOE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF COTTON FLAT ROAD AND SOUTH GARFIELD STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER THAT THE FAIR MARKET VALUE OF SAID PORTION OF COTTON FLAT ROAD IS LESS THAN OR EQUAL TO THE VALUE OF THE WEST HALF OF A 0.55-ACRE PORTION OF NORTH BAIRD STREET ADJACENT TO BLOCKS 38 AND 39, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED BETWEEN EAST ILLINOIS AVENUE AND EAST TEXAS AVENUE); RETAINING A GENERAL UTILITY AND ACCESS EASEMENT; PROVIDING THAT SAID VACATION SHALL NOT BE EFFECTIVE UNTIL SAID PORTION OF NORTH BAIRD STREET IS CONVEYED TO THE CITY OF MIDLAND; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9467.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9467 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Development Services Director Chuck Harrington gave a brief overview of the item noting request made on behalf of Midland County vacate cotton flat road portion. plattd but never constructed. county proposng to use land for future exp in area. com vacated.55 acres of Baird in Jan to build new muni court and county agreed to deed over that property. this would be exchange of property no fee since trade. there are existing utilities in row both eng and trans agreed and other utilities in there but will retain utility easement so still protected. staff rec approval with cond that util access be retained. Love why City initiating? Chuk county asked to vacate for horseshoe.

Mayor Morales opened the public hearing at 10:27 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

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

28. Hold a public hearing and consider an ordinance on a request by Maria Medina for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 6, Block 2, South 349 Acres, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Rankin Highway and Iris Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9468

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 6, BLOCK 2, SOUTH 349 ACRES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF RANKIN HIGHWAY AND IRIS LANE), WHICH IS PRESENTLY ZONED C-3, COMMERCIAL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9468.

Chuck Harrington gave a brief overview of the item noting request for sup for sale of alco bev for restaurant. small rest max seating 20. nos chool church walking distance. 11 a.m. to 9 p.m. and p7z rec approval and staff. n o loj.

Morales on outside selling product and this does not carry out to parking lot. Chuck no only for restaurant. Morales could if have catering. Dufford just little yellow building. Roobnett adequate parking. Chuck yes 664 sq feet only require.

Mayor Morales opened the public hearing at 10:29 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. 9468 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Dufford servee food? chuck yes.

Love question 3,000 sq feet and then showed rest as small corner. chuck 664 sq ft. Love with being on Rankina pppropriate spot for SUP. only concern is proeprty and applied to eentire. chuck only small portion.

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

29. Hold a public hearing and consider an ordinance on a request by Leslie Dean for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 4,175-square foot portion of Lots 1C through 1J, Block 5, Correction Plat of Colony Place, Section 5, City and County of Midland, Texas. (Generally located on the south side of W. Wadley Avenue, approximately 400-feet east of N. Garfield Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9469

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4,175-SQUARE FOOT PORTION OF LOTS 1C-1J, BLOCK 5, CORRECTION PLAT OF COLONY PLACE, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 400 FEET EAST OF NORTH GARFIELD STREET), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9469.

Development Services Director Chuck Harrington gave a brief overview of the item noting Harvest Caffe been in bus and operating. Orig had sup in 2006 but let it expire. reapplying with similar conditioons to orig. 4175 sq ft rest max seating 200 no school church within 300 feet rquirement. orig req hoours of sale mon through sat 9 a.m. to 11 but asked to include sun. rec on loj this was rec approval by p7z and staff. Lacy has been selling alcohol without sup. Love they had it expired when closed so no reopening asn oorig 11 to 11 now this one 9 a.m. chuck brunch activities. Morales midland country club greeent ree. Lacy set precedent on ticking to 11 a.m.

Love this loj assuming gentleman is within 200 feet. Chuck only rec notice 200 foot.

Mayor Morales opened the public hearing at 10:35 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9469 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Leslie Dean 2906 Savoy Pl, sparks why serving alco at 9 a.m. Leslie want to do brunch on saturday and sunday.

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

30. Hold a public hearing and consider an ordinance on a request by The Bosquet Group, Inc. for a zone change from PD, Planned District for a Shopping Center, to an Amended

Planned District, on Lot 17A, Block 26, Wydeewood Addition, Section 25, City and County of Midland, Texas. (Generally located on the east side of N. Loop 250 West, approximately 200-feet north of Sunshine Parkway.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9470

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 17A, BLOCK 26, WYDEWOOD ADDITION, SECTION 25, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH LOOP 250 WEST, APPROXIMATELY 200 FEET NORTH OF SUNSHINE PARKWAY); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9470.

Development Services Director Chuck Harrington gave a brief overview of the item noting underlying Ir1, applicant is matresss firm. prop to palce facility here. Ir1 require pakring 200 sq ft of floor area. bldg ht 27 feet max allow is 28.9 meeting all requirements of ord. find req reason and rec approval. r ec keepign in planned district. rec no loj. Lacy last meetin rec taking out. chuck this one to avoid confusion, its surrounded and part of overall piece. . lacy drain ret ade. Chuck it will go through review. have to be adequate.

Mayor Morales opened the public hearing at 10:39 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. 9470 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.

31. Hold a public hearing and consider an ordinance on a request by Manor Park, Inc. for the vacation of the 0.132-acre portion of the alley right-of-way located in Section 19, Block 39, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the south side of Sunshine Parkway, approximately 300-feet west of Idlewilde Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9471

AN ORDINANCE VACATING AND ABANDONING A 0.132-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN SECTION 19, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF SUNSHINE PARKWAY, APPROXIMATELY 300 FEET WEST OF IDLEWILD DRIVE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$14,374.80; RETAINING A GENERAL UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9471.

Development Services Director Chuck Harrington gave a brief overview of the item noting Manor Park expansion across property. In order to do must abandon this portion. Working with property owner to east and he agreed to give up his share of alley. There are sev franch util that run thorough alley but they will remain as utility easement. value 14374.80 which paid to City. no loj.

Love look liek vacation starts Sunshine and stops midway in alley. then read going to maintain utility easement. why stopping there and two vacating alley but stilll going to bbuild on top> Chuck won't be allowed to build. this will be a private utility easement. solid wast still go down to collect trash.. Lacy manor park allowed to have particular fenced in. last can expand in to. when not all continuous not one campus so will keep walk way to build more hopes in other area. fence block off whole area and . Townhouse where can still do trash pick uup. jsut rawpiece of land. solid waste will not go north adequatee ability to use l shape to reverse.

Mayor Morales opened the public hearing at 10:44 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. 9471 in accordance with the Charter of the City of Midland with amendment to waive fee; seconded by Council Member Sparks.

Lacy waive fee for salvation this is non profit.

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

32. Hold a public hearing and consider a resolution on a request by John Ring for approval of a Temporary Land Use Permit for a Carnival on Skyline Terrace, Unit 7, City and County of Midland, Texas. (Generally located southwest of the intersection of W. Loop 250 North and N. Midkiff Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 262

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CARNIVAL ON SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST LOOP 250 NORTH AND NORTH MIDKIFF ROAD); MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; AND PROVIDING THAT THE CHIEF OF POLICE SHALL ENSURE THAT ALL PARTICIPANTS ARE LICENSED PURSUANT TO TITLE V, CHAPTER 9 OF THE MIDLAND CITY CODE

applicant withdrew this item

MISCELLANEOUS

33. Consider an ordinance amending Ordinance Number 9422 which established new fees and charges for Hogan Park Golf Course. (COMMUNITY SERVICES)

ORDINANCE NO. 9472

AN ORDINANCE AMENDING FEES AND CHARGES FOR HOGAN PARK GOLF COURSE; AND REPEALING PRIOR ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH SUCH FEES AND CHARGES ESTABLISHED HEREIN

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9472.

Tina Jauz consider first reading increase in green fees hogan park by \$2 per green fee still well below avg green fee. Mayor improvements this summer. golf???? still alive some working looking good sod took well.

Lacy how bad is number 9. golf about 95 okay some spotty grown together. another month or so should be better.

Council Member Love moved approval of the first of two readings of Ordinance No. 9472 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

courtney roof on pav blew onto #9 green.

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

34. Approved a motion approving a proposed preliminary plat of Ruckus Addition, being a 113.88-acre tract of land out of Section 30, Block 38, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located southeast of the intersection of North Fairgrounds Road and Loop 250 North.) (DEVELOPMENT SERVICES)

Chuck Harrington prel plat. dont see because not req unless exceed certain size. this is 113 acre tract prop to divide into 3 lots. one for animal sanctuary prop to deve on property. reviewed by p7z aand approved with conditions listed a-e on report. staf rec approval after conditionss been met.

Chuck different zoning main goal to get animal sanctuary and resell property. Love working with Ms. McCqll for almost 2 years. Her property goes back much further than than. Love trying to play install naimal shelter and at top corner going to self or retail. Been wonderful district 2 citizen bent over backwards for city of midland to allow us to get rowfor the Fiargrounds widening project.

Council Member Love moved to approve a motion approving a proposed preliminary plat of Ruckus Addition, being a 113.88-acre tract of land out of Section 30, Block 38, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located southeast of the intersection of North Fairgrounds Road and Loop 250 North.); 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.

35. 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. 9455; 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. 9473

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. 9455; 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 Reyes read the caption of Ordinance No. 9473.

Mike Pacelli exp unusual order. MISD opening 3 new elementary school and rearranged attendance zones. met in April came up with additions and removal. brought in June. Everyone did not expect children cross Holiday Hill near Faskin. Don't want to encourage crossing. At time anyone walking or biking would come within Vineyard. Since then additional discussions and requested school crossing on Holiday Hill at Sherwood. Since came in late agreed to bring for first hearing school starts tomorrow. staff monitor misd police monitor see how much demand. if approp will come back at next reg mtg sept 8 and put signs up pretty quickly. if not much demand hold off on second reading or scrap all together fwill eval first two weeks of school.

Lacy crossing guard? mike 3 new two need and one essentially a floater. know need but not sure where. MISD police will be watching in beginning. if don't have crossing guard can keep eye on peak periods.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9473 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Love second readings for apps that don't come up for second readings. Courtney generally this body doesn't bring forward for various reasons so on case by case basis. John extremely rare. best practice is to bring it back and just deny. Sparks is time limit? John. If had first reading and delay second reading could bring up 5 years. John good practice to jump way or the other. Mayor on Wadley there is device that flash been removed what happened. Mike one located in school zone and took out last year some devices were maintenance issues when school across apt from Ranch house. Courtney that one was maintenance.

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

36. Approved a motion on request by Schumann Engineering Co. Inc. to defer public paving and utility improvements for True North Addition and to waive the corresponding financial security guarantee valued at \$388,474, an amount equal to the estimated cost of construction. The subject property is located in the City of Midland Extra Territorial Jurisdiction on the east side of N CR 1148 approximately 1,660 feet north of the intersection with E CR 72 in Midland County, Texas. (ENGINEERING SERVICES)

Jeff Cohen this is request to defer public improvements by Eagle Watch Investments. They have piece of property just east of Elkins Road proposing to plat. Located in the Midland County Utility District. Asking to defer water and sewer and paving improvements. Staff does support water and sewer but they are very close to City limits and staff feels there does need to be some paved infrastructure that goes in with plat. Emergency police and fire would have inadequate access if improvements are not put in. could be alt to escrow funds. Brought to Council for direction.

Dufford they want to defer everything and staff is asking for paving improvements and willing to defer everything else.

Love paving improvements on Elkin or off of Elkin. Jeff's escrow funds will be for their portion of Road on County Road 1148. alternately what staff recommends is chip seal county style road from property down to CR 1172 and west to Elkins which would make connection to existing infrastructure. 1148 and 1172 are not improved at all. Hotchkiss accept two requests but require developer to improve County Road 1148 and ECR 1172 to connect Elkins for emergency response vehicles. Love asked Mr. Sanchez, Ben Sanchez ? 4800 ?? this is just access easement for all of these properties. Came in to subdivide property and access easement between properties. its not a county road 1148 it s a public access easement. in exchange for paving along that they are requesting dedicating 60 feet to county in exchange for paving road. How does that fit in with thoroughfare plan or Elkins and how far away from expanding and improving Elkins road? If more than 10 years have to reimburse client. Love why? Jeff way code reads developer is responsible for extensions of all infrastructure. Normally might entertain a participation dev agreement but this is in County and code says participation is within city limits. One reason rec county style road is because much cheaper than city street and more appropriate for this area. Generally speaking thought would offset cost of having to extend it as far as it is. If take escrow amount then ask for amount calc based on true City standard street construction cost. Jose challenge if this continues to happen putting strain on staff and fire because don't have infrastructure need to service these location. Slippery slope but where to we draw line. If continue to do these types of developments and then annex city is held responsible. Staff has rec but will honor Council request. Less than 1/4 mile away. Lacy take into account if send ambulance tearing up city equipment. Love what is County's stand. they could coordinate with County and see if they are willing to put in infrastructure to benefit this region. Lacy in ETJ would require city standards but . Sparks trying to make it where County can help. Jose app can go back to County and ask for participation. If want to annex it wouldn't be part of utility district? could tie into system in the future. Jose at end of day safety comes first.

Lacy 5 lots two facing west that is question only access is dirt road. Ben put base caliche road in middle. right now 1148 is caliche road. Courtney unusual. Policy says if pave pave to existing paved road. That is why saying take it all the way to Elkins. This is quandry tremendous amount of growth. Beens struggling with this there is no

easy fix. The question is to we want to require, not require and tax payers have to pay. Sparks ambulance service getting in there. Robnett 117,000 to pave. Jeff 117,000 estimate for standard city street just in front of the property. Staff did not calculate what cost would be. A chip seal is simply an asphalt emulsion Love \$117,000 is for City standard just in front of property but don't know cost. None of the other developments platted. If had mechanism to capture plats could have gotten it.

Council Member Dufford moved to approve defer water and sewer but require developer to improve County Road 1148 and ECR 1172 to connect Elkins for emergency response vehicles; seconded by Council Member Hotchkiss.

Robnett considered alternative route? Ben no client unwilling to do that.

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

ECR 72

37. Approved a motion making appointments to various boards and commissions.

Council Member Dufford moved to appoint Keith Stretcher to replace Cary Love in January and allow to attend meetings; seconded by Council Member Love.

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

EXECUTIVE SESSION

adj 11:22 a.m.

38. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:

a. Section 551.072, Deliberation Regarding Real Property

- a.1. Discuss the purchase, exchange, lease, or value of real property described as the eastern part of Section 4, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas.
- a.2. Discuss the purchase, exchange, lease, or value of real property described as Lot 1, Block 8, ClayDesta Plaza Addition, City and County of Midland, Texas.

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

PASSED AND APPROVED the __ day of ____, 2015.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary