

**MIDLAND CITY COUNCIL
MINUTES
September 09, 2014**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on September 09, 2014.

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

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney Keith Stretcher, Deputy City Manager Tommy Hudson, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Police Chief Price Robinson, Fire Chief Robert Isbell, Interim Utilities Director Holly Rosas McGrath, Administrative Services Director Catherine Clifton, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Director Jose Ortiz, Director of Airports Marv Esterly, Planning Division Manager Jim Compton, Building Official Steve Thorpe, GIS Manager Bill Hodge, Public Information Officer Sara Higgins, and Community Development Manager Sylvester Cantu.

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at ____ a.m., September 09, 2014.

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

Staff members present at the annex table: City Manager Courtney Sharp, City Attorney Keith Stretcher, Deputy City Manager Tommy Hudson, and Assistant City Manager Robert Patrick.

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:05 a.m.

1. Invocation - Pastor Woodrow Bailey III, Macedonia Baptist Church.
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Receive a presentation from Fire Chief Robert Isbell and City Manager Courtney Sharp regarding ISO 1 classification.

PUBLIC COMMENT

Glenda Southerland 728 Beckley, thanked Council for meeting with her . there is traile rpart there in area. problem seeing is if have people parking trailer sin alley what else will they park there. spencer called with idea pleased with that info and will try it. robnett set glenda up with recycling can every 2 weeks at green daisies. trying to get gnetleman to move trailer wont' cooperate because mad at city. Her area is in need of his help can't do it by herself. Love tahnked her for efforts council is proactive about solving problem not in my town.

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.

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 5 - 37 excluding 6, 17, 22, 31, 33, 38, 39, 40, 41; seconded by Council Member Lacy.

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

mayor claled frorward rep from rrc

gilbert rendon 5023 princeton michael ramirez 5023 princeton. robnett potential changes hwat it might do to project.

gilbert when looked at bid wanted to provide a good bid for city tha twould work for them. when start taking big hits it hurts cash flow. normally retainage percentage is 10% which isn't uncommon. partial payments into this project to this project. When saw contracts knew this was a project we could do and give a good price. HIs biggest is being able to wait unittl end of proeject to get a pyment. lacy confident completed no later than feb 1 and ump building march 1. Michael work with million dollar contracts and hav emet all contract times. They are only contractor that does proeject son time. can do if hav eperiod payments. subcontractors can't wait and hav eto go to bank there is interest involved. no way can come in lower and keep rate. Robnett what would it extend if probably at least \$50,000 - 60m,000 more. Morales asked if okay with 10%.

Courtney going forward do 10% with partial payment. Dufford paying higher cost and citizens in the end would get hurt with that need to be careful before going down road. Courtney from policy standpoint what you want. Dufford let's talk about in the future.

5. Approved a motion approving the following minutes:
 - a. Regular meeting of August 19, 2014.
 - b. Regular meeting of August 25, 2014.
 - c. Regular meeting of August 26, 2014.
7. Approved a resolution approving a contract for labor, material, equipment and supervision necessary to provide and install data center flooring at the Police and Communication building for the General Services Department. (PURCHASING)

RESOLUTION NO. 2014 - 299

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR LABOR, MATERIAL, EQUIPMENT AND SUPERVISION NECESSARY TO PROVIDE AND INSTALL DATA CENTER FLOORING AT THE POLICE AND COMMUNICATION BUILDINGS FROM THE SOLE BIDDER, ESCN, INCORPORATED DBA BASIN ELECTRIC AND TECHNOLOGY COMPANY, IN THE AMOUNT OF \$58,868.68

8. Approved a resolution authorizing advertisement and acceptance of proposals for Hogan Golf Course Concessions annual agreement for Community Services. (PURCHASING)

RESOLUTION NO. 2014 - 300

RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS FOR CONCESSION MANAGEMENT SERVICES AT THE CITY OF MIDLAND HOGAN PARK GOLF COURSE

9. Approved a resolution authorizing the execution of Amendment #6 to Parkhill, Smith & Cooper's Professional Services Agreement. (AIRPORTS)

RESOLUTION NO. 2014 - 301

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER SIX TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INCORPORATED, FOR IMPROVEMENTS CONTAINED IN THE AIRPORT CAPITAL IMPROVEMENT PROGRAM; SAID AMENDMENT TO INCLUDE THE FOLLOWING PROJECTS: MAF RUNWAY 16L/34R EXTENSION AND RECONSTRUCTION ENVIRONMENTAL ASSESSMENT AND FAA AGIS/AERONAUTICAL OBSTRUCTION SURVEY, AND MAF AEROSPACE DEVELOPMENT PARK PROGRAMMATIC ENVIRONMENTAL ASSESSMENT; AND APPROPRIATING \$449,635.00

10. Approved a resolution authorizing a contract with Midland Crime Stoppers, Inc. in the amount of \$35,000 for the operation of a Crime Stoppers Program. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 302

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH CRIME STOPPERS OF MIDLAND, INCORPORATED, FOR THE OPERATION OF A CRIME STOPPERS PROGRAM WHICH WILL ALLOW CITIZENS TO ASSIST IN THE DETECTION AND RESOLUTION OF CRIMES

11. Approved a resolution authorizing a contract with Keep Midland Beautiful in the amount of \$100,000 for litter reduction, education, and beautification programs in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 303

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH KEEP MIDLAND BEAUTIFUL, INCORPORATED, FOR LITTER REDUCTION, EDUCATION, AND BEAUTIFICATION PROGRAMS

12. Approved a resolution authorizing a contract with Midland Teen Court, Inc. in the amount of \$27,500 for a Teen Court Program. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 304

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH MIDLAND TEEN COURT, INCORPORATED, FOR THE OPERATION OF A TEEN COURT PROGRAM

13. Approved a resolution authorizing a contract with Permian Basin Community Centers in the amount of \$75,000 for mental health, mental retardation and substance abuse services. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 305

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE PERMIAN BASIN COMMUNITY CENTERS FOR MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE SERVICES

14. Approved a resolution authorizing a contract with Midland College in the amount of \$100,000 to promote growth and development in the City. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 306

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH MIDLAND COLLEGE TO PROMOTE ECONOMIC GROWTH AND DEVELOPMENT

15. Approved a resolution authorizing a contract with the Arts Council of Midland in the amount of \$125,000 for the encouragement, promotion, improvement, and education of arts in the City. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 307

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE ARTS COUNCIL OF MIDLAND FOR THE ENCOURAGEMENT, PROMOTION, IMPROVEMENT AND APPLICATION OF THE ARTS IN THE CITY

16. Approved a resolution authorizing a contract with COM Aquatics in the amount of \$27,000 for advertising, promotion and solicitation of aquatic activities in Midland. (CITY

SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 308

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH COM AQUATICS, INCORPORATED, FOR ADVERTISING, PROMOTION AND SOLICITATION OF AQUATIC ACTIVITIES IN MIDLAND

18. Approved a resolution authorizing a contract with the George W. Bush Childhood Home, Inc. in the amount of \$14,000 to promote tourism and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 310

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE GEORGE W. BUSH CHILDHOOD HOME, INCORPORATED, TO PROMOTE TOURISM AND THE CONVENTION AND HOTEL INDUSTRY IN THE CITY OF MIDLAND

19. Approved a resolution authorizing a contract with the Midland Chamber of Commerce in the amount of \$800,000 for the Management of the Midland Center and Centennial Plaza. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 311

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE MIDLAND CHAMBER OF COMMERCE FOR THE MANAGEMENT OF THE MIDLAND CENTER AND CENTENNIAL PLAZA

20. Approved a resolution authorizing a contract with the Midland Chamber of Commerce in the amount of \$1,607,600 to promote tourism, convention, and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 312

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE MIDLAND CHAMBER OF COMMERCE TO PROMOTE TOURISM AND THE CONVENTION AND HOTEL INDUSTRY IN THE CITY

21. Approved a resolution authorizing a contract with the Midland Community Theatre in the amount of \$20,000 to promote tourism and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 313

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE MIDLAND COMMUNITY THEATRE, INCORPORATED FOR THE PROMOTION OF THE THEATRE ARTS IN THE CITY

23. Approved a resolution authorizing a contract with the Midland Soccer Association in the amount of \$20,000 to promote tourism and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 315

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE MIDLAND SOCCER ASSOCIATION FOR THE PROMOTION AND SOLICITATION OF SOCCER ACTIVITIES

24. Approved a resolution authorizing a contract with the Midland Softball Association in the amount of \$151,400 to promote tourism and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 316

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE MIDLAND SOFTBALL ASSOCIATION FOR THE PROMOTION AND SOLICITATION OF UNITED STATES SPECIALTY SPORTS ASSOCIATION (USSSA) ACTIVITIES

25. Approved a resolution authorizing a contract with the Museum of the Southwest in the amount of \$35,000 to promote tourism and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 317

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE MUSEUM OF THE SOUTHWEST TO PROMOTE TOURISM AND THE CONVENTION AND HOTEL INDUSTRY IN THE CITY OF MIDLAND

26. Approved a resolution authorizing a contract with the Permian Basin Petroleum Museum in the amount of \$27,216 to promote tourism and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 318

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE PERMIAN BASIN PETROLEUM MUSEUM, LIBRARY AND HALL OF FAME, INCORPORATED, FOR ADVERTISING, PROMOTION AND SOLICITATION OF OIL INDUSTRY ACTIVITIES IN THE CITY OF MIDLAND

27. Approved a resolution authorizing the execution of a Professional Services Agreement between the City of Midland, Texas, and Midland Sports, Incorporated, in the amount of \$98,000, for professional marketing, promotion, and management services at the Scharbauer Sports Complex. (COMMUNITY SERVICES)

RESOLUTION NO. 2014 - 319

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS AND MIDLAND SPORTS, INCORPORATED IN THE AMOUNT OF \$98,000.00, FOR PROFESSIONAL MARKETING, PROMOTION, AND MANAGEMENT SERVICES AT THE SCHARBAUER SPORTS COMPLEX

28. Approved a resolution approving support of matching funds in the amount of \$250,000.00 for the renovation of the kennel area at Midland Animal Services, said renovations will include flooring, doors, roof, and ceiling. (COMMUNITY SERVICES)

RESOLUTION NO. 2014 - 320

RESOLUTION APPROVING SUPPORT OF MATCHING FUNDS IN THE AMOUNT OF

\$250,000.00 FOR THE RENOVATION OF THE KENNEL AREA AT MIDLAND ANIMAL SERVICES, SAID RENOVATION WILL INCLUDE FLOORING, DOORS, ROOF, AND CEILING

29. Approved a resolution authorizing the execution of a lease agreement between the City of Midland and EZ Rider for property located at the intersection of Fort Worth Street and Texas Avenue, Block 50, Original Town Addition, City and County of Midland, Texas. (DOWNTOWN DEVELOPMENT)

RESOLUTION NO. 2014 - 321

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT WITH MIDLAND ODESSA URBAN TRANSIT DISTRICT FOR PROPERTY LOCATED AT THE INTERSECTION OF FORT WORTH STREET AND TEXAS AVENUE, BLOCK 50, ORIGINAL TOWN ADDITION, MIDLAND COUNTY, TEXAS; THE LEASE AGREEMENT WITH MIDLAND ODESSA URBAN TRANSIT DISTRICT WILL NOT COME BACK TO THE CITY COUNCIL FOR FINAL APPROVAL

30. Approved a resolution to grant a variance to Ordinance 8769 (January 1, 2010 Oil and Gas Well Drilling Ordinance) to allow building permits for residences, to be issued in the future, where the proposed residence, either in whole or part is no closer than 214 feet of an existing oil and gas well (Wimberley #1, well # 1). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 322

RESOLUTION GRANTING A VARIANCE FOR LOTS 14-25, BLOCK 4, AND LOTS 5-11 AND LOTS 13-24, BLOCK 6, STONEBRIDGE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF BUSINESS STATE HIGHWAY 349-C (NORTH BIG SPRING STREET) AND NORTH OF EAST LOOP 250 NORTH), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 214 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

32. Approved a resolution authorizing advertisement of Request for Qualifications for the Oversight of Environmental Assessment, Abatement and Demolition of the Mid-America Building and the Midland Executive Center. (DOWNTOWN DEVELOPMENT)

RESOLUTION NO. 2014 - 324

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES FOR THE OVERSIGHT OF ENVIRONMENTAL ASSESSMENT, ABATEMENT, AND DEMOLITION OF THE MID-AMERICA BUILDING (LOCATED ON LOT 7A, BLOCK 27, ORIGINAL TOWN ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS) AND THE MIDLAND EXECUTIVE CENTER (LOCATED ON LOT 13A, BLOCK 27, ORIGINAL TOWN ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS), COMMONLY KNOWN AS THE ARRINGTON BUILDINGS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT FOR SAID SERVICES; AND PROVIDING THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL

34. Approved a resolution authorizing the execution of a Community Development Block Grant contract with Casa de Amigos for the Home Cleaning Program in the amount of

\$32,500.00; the purpose of this program is to provide home cleaning services to senior citizens and handicapped households; the program will begin on October 1, 2014 and end on September 30, 2015. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 326

RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH CASA DE AMIGOS FOR A HOME CLEANING PROGRAM IN THE AMOUNT OF \$32,500.00; THE PURPOSE OF THIS PROGRAM IS TO PROVIDE HOME CLEANING SERVICES TO 200 SENIOR CITIZENS AND HANDICAPPED HOUSEHOLDS; THE PROGRAM WILL BEGIN ON OCTOBER 1, 2014 AND END ON SEPTEMBER 30, 2015

35. Approved a resolution authorizing the execution of a Consent to Encroachment Agreement between the City of Midland and Playa del Pueblo Ltd. wherein the City grants permission to Playa del Pueblo Ltd. to construct and maintain concrete flumes within the City's utility and drainage easements at the Playa del Pueblo Apartments located at 611 East Interstate Highway 20 in the City of Midland, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 327

RESOLUTION CONSENTING TO ENCROACHMENT BY PLAYA DEL PUEBLO, LTD. UPON A DRAINAGE EASEMENT AND UPON A UTILITY AND DRAINAGE EASEMENT; AUTHORIZING THE EXECUTION OF A CONSENT TO ENCROACHMENT AGREEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

36. Approved a resolution to Accept Funding Awarded Through the FY2015 Victim Coordinator Liaison Grant Program. (POLICE)

RESOLUTION NO. 2014 - 328

RESOLUTION ACCEPTING THE FISCAL YEAR 2015 VICTIM COORDINATOR AND LIAISON GRANT FROM THE OFFICE OF THE TEXAS ATTORNEY GENERAL IN THE AMOUNT OF \$42,000.00; THIS GRANT IS TO BE USED BY THE MIDLAND POLICE DEPARTMENT TO MAINTAIN A VICTIM ASSISTANCE LIAISON POSITION; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS; AND DEPOSITING THE FUNDS INTO THE GENERAL FUND

37. Approved a resolution approving the budget of the Midland Emergency Communication District for the Fiscal Year ending September 30, 2015 (POLICE)

RESOLUTION NO. 2014 - 329

RESOLUTION APPROVING THE BUDGET OF THE MIDLAND EMERGENCY COMMUNICATION DISTRICT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015

6. Approved a resolution appropriating funds and approving a contract with A Rendon Ramirez Corporation dba RRC Construction for labor, material, equipment, and supervision necessary for renovation and additions to the Bill Williams Softball Complex Concessions and Umpire's Buildings for a cost of \$607,965.00 for Community Services. (PURCHASING)

RESOLUTION NO. 2014 - 298

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR LABOR, MATERIAL, EQUIPMENT AND SUPERVISION NECESSARY FOR RENOVATION IMPROVEMENTS AND ADDITIONS TO THE BILL WILLIAMS CONCESSIONS AND UMPIRE'S BUILDINGS AT THE BILL WILLIAMS SOFTBALL COMPLEX LOCATED AT 1201 E. WADLEY, WITH THE LOWEST AND MOST RESPONSIBLE BIDDER, RENDON RAMIREZ CORPORATION DBA RRC CONSTRUCTION OF MIDLAND, TEXAS, IN THE AMOUNT OF \$531,965.00, PLUS CONTINGENCIES OF \$76,125.00 FOR A TOTAL COST OF \$607,965.00; AND APPROPRIATING FUNDS

sparks pulled to make amendment to contract but before want to talk with Sharp if have stress have to be really detailed and careful that contract go out to bid with and contract that Council approved to go out to bid matches contract that have. if going to be change msut come to council. seems like aminor detail. will fall on CM shoulder to make get contracts appropriate. with that do know wanting to put in some deadline. don't want them to be onerous should negotiate with contractor what deadlines they can meet. need to get projects accomplished on time.

Keith what went out for would pay 95% of cost with 5% retainage. What normally do is don't make payment until all work completed. this went out to work make partial payments up to 95%. visited with Council Members because liquidated dmg per day felt should be \$25,000. Basin contract don't pay until work is done unless negotiated. sparks wants to amend what retainage is. Council can't change this contract now. sparks then rec reject all bids and start over. because that is what should have gone out to begin with. Need to ensure that these are appropriate projects for our parks. Need to ensure projects are getting done in timely manner and haven't been diligent in doing that. sparks amend contract.

Morales saw slide bill williams number one tournament attraction saw pictures of worn out facility anything else add. Laurie this estimate was under architects estimate for good price. Love curious to hear what his amendment is. sparks is considering for contracts exceeding \$25,000 and construction 90 days request for progress payments pay at end of each month as to invoice upon approval of owners rep for payment less 20% retainage. if it does fail or contractor doesn't want to approve that can go out for bid again or move forward and make sure before move forward with other bids to get language in there. Love think 20% is way too high. Cashflow paramount to small business owners. Tommy Hudson there was no lack of oversight on bid it was brought to legal office that should be taken out. If this was mis worded communicated specifically to Mr. Rendon. There was not taken any periodic interest. issue of periodic payments are still included here and was communicated as necessity. he asked attorneys office that have template to go forward. Keith two competing issues have liquidated damage that council wants to include if going to have clause to make it enforceable then have to do two things need to have retainage that is big enough that can hold money to get job on time or go back until don't get paid until everything done.. Mayor good idea going forward but in this instance can't go back on it..

sparks agree with Dufford not make amendment and leave at 5%. but will say projects that are not completed on time cost money and cost more money than extra \$50,000 for cost.

Council Member Love moved to adopt Resolution No. 2014 - 298 with 5% retainage;

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.

17. Approved a resolution authorizing a contract with the Downtown Midland Management District in the amount of \$75,000 to promote tourism and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 309

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE DOWNTOWN MIDLAND MANAGEMENT DISTRICT TO PROMOTE TOURISM AND THE CONVENTION AND HOTEL INDUSTRY IN DOWNTOWN MIDLAND; CITY TO AWARD THE SUM OF \$75,000.00 FROM HOTEL/MOTEL FUNDS

Robnett pulled for approval questions answered.

Council Member Robnett moved to adopt Resolution No. ; seconded by Council Member .

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 authorizing a contract with the Midland County Fair, Inc. in the amount of \$20,000 to promote tourism and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 314

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE MIDLAND COUNTY FAIR, INC. TO PROMOTE TOURISM AND THE CONVENTION AND HOTEL INDUSTRY IN THE CITY OF MIDLAND

loved pulled abstain.

Council Member Dufford moved to adopt Resolution No. 2014 - 314; seconded by Council Member Lacy.

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

31. Approved a resolution to grant a variance to Ordinance 8769 (January 1, 2010 Oil and Gas Well Drilling Ordinance) to allow building permits for a residence and accessory structures, to be issued in the future, where the proposed residence and accessory structures, either in whole or part is no closer than 135 feet of an existing oil and gas well (Chaps #4). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 323

RESOLUTION GRANTING A VARIANCE FOR LOT 5, BLOCK 2, LOST MOUNTAIN ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MIDKIFF ROAD AND NORTH OF

PASSAGE WAY), BY PERMITTING CONSTRUCTION OF A RESIDENCE AND ACCESSORY STRUCTURES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 135 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

lacy pulled to abstain

Council Member Dufford moved to adopt Resolution No. 2014 - 323; seconded by Council Member Love.

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

33. Approved a resolution authorizing the execution of a Community Development Block Grant contract with Community and Senior Services of Midland, Incorporated, for the Southeast Senior Center Nutrition Program in the amount of \$45,000.00; the program will be provided daily in coordination with other activities; the purpose of this program is to promote better mental and physical health for seniors through nutritional means and socialization; the program will begin on October 1, 2014 and end on September 30, 2015. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 325

RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH COMMUNITY AND SENIOR SERVICES OF MIDLAND, INCORPORATED, FOR THE SOUTHEAST SENIOR CENTER NUTRITION PROGRAM IN THE AMOUNT OF \$45,000.00; THE PROGRAM WILL BE PROVIDED DAILY IN COORDINATION WITH OTHER ACTIVITIES; THE PURPOSE OF THIS PROGRAM IS TO PROMOTE BETTER MENTAL AND PHYSICAL HEALTH FOR SENIORS THROUGH NUTRITIOUS MEALS AND SOCIALIZATION; THE PROGRAM WILL BEGIN ON OCTOBER 1, 2014 AND END ON SEPTEMBER 30, 2015

Love pulled wanted Jody to give update on what happening at css.

Jodi sneed 3310 sinclair , texas size garage sale supports melas on wheel sprogram. com gives treausre syear round trying to fit 10 pojunds flower in 5 pound bag. that event come up middle of october funds 40,000 of 100,000 meals on wheels expense. very rare to have thar% of volunteer scss committed to what doing provide 150 meals a day another 40 to 50 that come in fo ridfferent activities. nutrition crucial part of keeping seniors in home. head cook with them 24 years nutrition direction over 20 years. dedicationa dnstaff to take care of seniors. sparks assuming ahve enough volunteers but could alway suse more for delivering meals and at warehouse. sparks delivering meals is very satisfying experience.htochkiss garage sale about to start help support it and go out to garage sale.

Council Member Love moved to adopt Resolution No. 2014 - 325; 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.

38. Approved a resolution approving an extension of the contract with CK Hay and Cattle

Farms at the Plant Farm. (UTILITIES)

RESOLUTION NO. 2014 - 330

RESOLUTION AUTHORIZING THE EXECUTION OF A 1-YEAR EFFLUENT FARM LEASE RENEWAL AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND CK HAY & CATTLE FARMS, L.L.C., FOR EFFLUENT FARM OPERATIONS AT THE CITY OF MIDLAND'S PLANT FARM

saprks 38 - 41 talked with utiltiies and they have told him that farmer feel more comfortable if have contract for 3 years. that is within scope of building new wastewater treatment plant so after tha tperiod all those contracts will change drastically because of amount of water seeing but amount of water less. change from 1 year ex to 3 year extention.. robnett waiting on tceq final regulation that iwll effect contracts. Hollie it would affect contracts bu texpandison of waste water more changes. robnett should leave ontracts open to incldu enew tceq regulations. Courtney have draft contract with tceq hav eincorporated what picked up in these contract wouldn't necessary to address concerns but if something come sup from elft field have to . sparks each contract with 180 notices can change. htochkiss if requirete with work done put verbage in there if it needed to shorter. Holly already verbage in there thinking in terms of construction of new lines complete earlier Courtney working with close with pioneer on scheduling. think will take 3 years if shorter will appropriate changes to farmers. rpbmett do we ever bid out. its been a while.

Council Member Sparks moved to adopt Resolution No. 2014 - 330 with amendment to change to 3 years; seconded by Council Member Lacy.

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

39. Approved a resolution approving a Farm Lease Extension with Schumann Cattle Company for a 219.3 acre portion of the plant farm. (UTILITIES)

RESOLUTION NO. 2014 - 331

RESOLUTION AUTHORIZING THE EXECUTION OF A 1-YEAR EFFLUENT FARM LEASE RENEWAL AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND SCHUMANN CATTLE COMPANY, FOR OPERATION OF THE CITY OF MIDLAND'S CONNER EFFLUENT FARM

Council Member Sparks moved to adopt Resolution No. 2014 - 331 with amendment to change to 3 years; 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.

40. Approved a resolution approving an extension of the contract with Sprayberry CGC, Inc. at the Spraberry Effluent Farm. (UTILITIES)

RESOLUTION NO. 2014 - 332

RESOLUTION AUTHORIZING THE EXECUTION OF A 1-YEAR EFFLUENT FARM LEASE RENEWAL AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND

SPRABERRY CGC, INCORPORATED, FOR OPERATION OF THE CITY OF MIDLAND'S SPRABERRY EFFLUENT FARM

Council Member Sparks moved to adopt Resolution No. 2014 - 332 with amendment to change to 3 years; 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.

41. Approved a resolution approving an extension of the contract with Kevin Cook for part of Section 12, Block 37, TWP-3-S, T&P RR Co. Survey Located at the Spraberry Effluent Farm. (UTILITIES)

RESOLUTION NO. 2014 - 333

RESOLUTION AUTHORIZING THE EXECUTION OF A 1-YEAR EFFLUENT FARM LEASE RENEWAL AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND KEVIN COOK, FOR OPERATION OF THE CITY OF MIDLAND'S SPRABERRY EFFLUENT FARM

Council Member Sparks moved to adopt Resolution No. 2014 - 333 with amendment to change to 3 years; 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.

SECOND READINGS

42. Consider an ordinance on second reading on a request by Debbie's, Inc. for a zone change from PD, Planned District for a Shopping Center to LR-2, Local Retail District, on Lot 2A, Block 52, Belmont Addition, Section 12, City and County of Midland, Texas. (Generally located southeast of the intersection of Belmont Street and Longview Avenue.) (DEVELOPMENT SERVICES) (First reading held August 26, 2014.)

ORDINANCE NO. 9313

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2A, BLOCK 52, BELMONT ADDITION, SECTION 12, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF BELMONT STREET AND SUMMIT AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9313.

Council Member Love moved to approve the second and final reading of Ordinance No. 9313 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

43. Consider an ordinance on second reading on an appeal on a request by JEJZ, LLC for a zone change from 2F, Two-Family Dwelling District and C3, Commercial District to PD, Planned District for a Housing Development, on a 49.85-acre tract of the south portion of Block 83, the west portion of Block 84, the north half of Block 85 and 86, plus a previously vacated 5.192-acre of Benton Avenue and Poplar Lane right-of-way, east Midland Addition, City and County of Midland, Texas. (Generally located on the west side of North Fairgrounds Road, approximately 650 feet north of East Cuthbert Avenue.) (DEVELOPMENT SERVICES) (First reading held August 26, 2014.)

ORDINANCE NO. 9314

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 49.85-ACRE TRACT OF LAND OUT OF THE SOUTH PORTION OF BLOCK 83, THE WEST PORTION OF BLOCK 84, THE NORTH HALF OF BLOCKS 85 AND 86, AND INCLUDING A VACATED 5.192-ACRE PORTION OF BENTON AVENUE RIGHT-OF-WAY AND POPLAR LANE RIGHT-OF-WAY, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 2F, TWO-FAMILY DWELLING DISTRICT, IN PART, AND C-3, COMMERCIAL DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH FAIRGROUNDS ROAD, APPROXIMATELY 650 FEET NORTH OF EAST CUTHBERT AVENUE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9314.

Council Member Love moved to approve the second and final reading of Ordinance No. 9314 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

44. Consider an ordinance on second reading a request by State Street Housing for a zone change from AE, Agriculture Estate District to MF-1, Multiple-Family Dwelling District, on an 18.584-acre tract of land out of Section 14, Block 39, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the west side of Lamesa Drive, approximately 1,000 feet north of Wadley Avenue.) (DEVELOPMENT SERVICES) (First reading held August 26, 2014.)

ORDINANCE NO. 9315

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING AN 18.584-ACRE TRACT OF LAND OUT OF SECTION 14, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS

PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF LAMESA DRIVE, APPROXIMATELY 1,000 FEET NORTH OF WADLEY AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9315.

Council Member Love moved to approve the second and final reading of Ordinance No. 9315 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

45. Consider an ordinance on second reading on a City-initiated request for a street name change of Liberty Court to Freedom Court adjacent to Lots 1 through 16, Block 1, Floyd Acres, City and County of Midland, Texas. (Generally located on the west side of Beal Parkway, approximately 240 feet south of Logan Court.) (DEVELOPMENT SERVICES) (First reading held August 26, 2014.)

ORDINANCE NO. 9316

AN ORDINANCE CHANGING THE NAME OF LIBERTY COURT TO "FREEDOM COURT" ADJACENT TO LOTS 1-16, BLOCK 1, FLOYD ACRES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF BEAL PARKWAY, APPROXIMATELY 240 FEET SOUTH OF LOGAN COURT); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND DIRECTING THE CITY SECRETARY TO SEND THE MIDLAND EMERGENCY COMMUNICATIONS DISTRICT A CERTIFIED COPY OF THIS ORDINANCE

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9316.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9316 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, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

PUBLIC HEARINGS

46. At approximately 10:30 A.M. hold a public hearing and consider an ordinance on a request by Stonehawk Capital Partners for a zone change from PD, Planned District for a Housing Development, to an Amended Planned District, on Lot 2, Block 2, Pavilion Park, Section 1 and on Lot 3, Block 2, Pavilion Park Section 2, City and County of Midland, Texas. (Generally located southeast of the intersection of Stonebridge Drive and Pavilion Parkway.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9317

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2, BLOCK 2, PAVILION PARK, SECTION 1, AND LOT 3, BLOCK 2, PAVILION PARK, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND PAVILION PARKWAY); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington requested this item be withdrawn.

Love staff not applicant concern about public hearing. chuck intend to bring this back. want to take action on item 47 and then bring this item back. Keith this city owned row until city vacates and bandones can't be included in rezone. if 47 passes then will see 46 again.

47. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Pavilion Midland, LLC, for a vacation of the 0.62-acre public right- of-way on Stonebridge Drive and the 0.91-acre alleys located on Pavilion Park Addition, Sections 1 and 2, City and County of Midland, Texas. (Generally located southwest of the intersection of Stonebridge Drive and Pavilion Parkway.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9318

AN ORDINANCE VACATING AND ABANDONING A 0.618-ACRE PORTION OF STONEBRIDGE DRIVE RIGHT-OF-WAY AND A 0.907-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN PAVILION PARK, SECTIONS 1 AND 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF PAVILION PARKWAY AND STONEBRIDGE DRIVE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$15,278.67; AND ORDERING RECORDATION BY THE CITY SECRETARY

Development Services Director harrington request action vacate unused alley row with services no objection no utilities just vacant land. according to appraisal value \$15,278.67. Mayor letters in there. chuck they say agree

Mayor Morales opened the public hearing at 11:06 a.m.

eric west psc 1700 w wall, item 47 is row vacation it is alleys on south alley bisects property and part of stonebridge drive. two south owners agreed and written letters and provided deeds that would be executed once approval is given. Can transfer row to property. Don't know if any questions about row. would address question about sit eplan item 46. developers are here they have flown in for this . they expected to get site plan approval as well. a little confused as to why those two things cant occur simultaneously. site plan been to p7z. hope would have same type of thing that timing has been issue to bring really nice apt compelx. they have base zoning in palce with density. wonder if that can be addressed so they can move forward. Keith what trying to do there is have site plan with zoning of city owned property for private use. you can't

do that. the other thing is on south alley when city vacates and if city vacates half goes to north half goes to south. if owners to south want to deed to to north then they can own entire tract and can proceed. what asking council to do is proceed but don't know who owns property to south. it also asking for council to consider vacating city owned property for private use. don't think council has authority today to approve item 46. if they do approve that item is invalid from its inception. rec to council don't have authority to approve 46. eric hear keith loud and clear will back away. level of frustration

Mayor oph 11:12

Brian woidneck,
Zach sherwood dallas,

Brian would like to express is fact spent a lot of time out here cooperated with every request. got zoning approved in feb conditional to site plan approval p7z approved in june pre plat approved in june all included assumption that alleys and row would be vacated. in august needed special deeds and took care of that. notification never posted in newspaper and now here to day. express feel done everything asked of them excited to bring project here but all of uncertainty. would like clarification in order to get site plan on soonest agenda in condition where can be voted on. Robert Patrick taking care of land transaction if okay with Council instead of going back to p7z bring back to council to expedite. council consensus received. Mayor asked Robert sit down with applicants.

There being no one else wishing to speak, the public hearing was closed at 11:16 a.m.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9318.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9318 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

48. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by Vineyard Reserve, LLC / Buck Benson #1 for a zone change from FD, Future Development District to PD, Planned District for a Housing Development, on a 28.97-acre tract of land out of Section 13, Block 40, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the west side of Sandstone Drive, at approximately 1250 feet extension of Green Tree Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9319

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 28.97-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED APPROXIMATELY 245 FEET WEST OF SANDSTONE DRIVE, AND APPROXIMATELY 1,620 FEET NORTH OF SHERWOOD DRIVE); CONTAINING A

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

Development Services Director Chuck Harrington gave a brief overview of the item noting request by Fasken development next phase a 54 lots for homes and gated community 5 ft rear yard to allow be more pedestrian friendly development.

Mayor Morales opened the public hearing at 11:19 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9319.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9319 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.

49. At approximately 10:39 A.M. hold a public hearing and consider an ordinance on a request by Vineyard Reserve, LLC / Buck Benson #2 for a zone change from FD, Future Development District to 1F-1, One-Family Dwelling District, on a 68.13-acre tract of land out of Section 13, Block 40, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located northwest of the intersection of Sandstone Drive and Sherwood Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9320

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 68.13-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS A 1F-1, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SANDSTONE DRIVE AND SHERWOOD DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting next phase of vineyard reserve single family development 1f1 lots 51 lots. no special requirements.

Mayor Morales opened the public hearing at 11:21 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9320.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9320 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

50. At approximately 10:42 A.M. hold a public hearing and consider an ordinance on a request by Athenian Restaurant for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premise consumption in a restaurant, on a 3,145 square foot portion of land out of Lot 1, Block 8, Polo Park Addition, Section 3, City and County of Midland, Texas. (Generally located on the northeast of the intersection of N. Garfield Street and W. Loop 250 North.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9321

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,145 SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF NORTH GARFIELD STREET AND WEST LOOP 250 NORTH), 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

Development Services Director Chuck Harrington gave a brief overview of the item noting request by athenian restaurant for sale of alcoholic beverage ne corner loop 250 and garfield. proposed seating 140 seats. hours 11 to 10.

Mayor Morales opened the public hearing at 11:23 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9321.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9321 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

51. At approximately 10:45 A.M. hold a public hearing and consider an ordinance on a request by Kathie Grozdanich / Wings N More for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 3G, Block 6, Scotsdale Addition, Nineteenth Section, City and County of Midland, Texas. (Generally located on the south side of W. Wadley Avenue, approximately 550 feet west of N. Midland Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9322

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE

PROPERTY DESCRIBED AS LOT 3G, BLOCK 6, SCOTSDALE ADDITION, NINETEENTH SECTION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 550 FEET WEST OF NORTH MIDLAND 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

Development Services Director Chuck Harrington gave a brief overview of the item noting wings n more proposing to have outdoor seating increase capacity to 88 seats. hours same. rec approval.

Mayor Morales opened the public hearing at 11:25 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9322.

Council Member Love moved approval of the first of two readings of Ordinance No. 9322 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

52. At approximately 10:48 A.M. hold a public hearing and consider an ordinance on a request by Quatro Compadres, L.P. for the annexation of a 2.35-acre tract of land out of Section 31, Block 40, T-1-S, T&P RR Company Survey, Midland County, Texas (Generally located approximately 650 feet north of State Highway 191, 400 feet west of N. County Road 1278.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9323

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 2.35-ACRE TRACT OF LAND OUT OF SECTION 31, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND A 36.14-ACRE TRACT OF LAND OUT OF SECTION 32, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED APPROXIMATELY 650 FEET NORTH OF STATE HIGHWAY 191, AND APPROXIMATELY 400 FEET WEST OF NORTH COUNTY ROAD 1278); AND APPROVING A PUBLIC SERVICE PLAN

Morales left at 11:26 a.m.

Development Services Director Chuck Harrington gave a brief overview of the item noting request for annex. two public hearings this is time now that will take position in approve or deny ord to annex property. request made by quatro compadres lp wish to

connect to city water and sewer.

Mayor Pro Tem Love opened the public hearing at 11:28 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9323.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9323 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

morales returned 11:28 a.m.

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

53. At approximately 10:51 A.M. hold a public hearing and consider an ordinance on a request by Quatro Compadres, L.P. for an initial zoning of annexed land to CE, Country Estate District, on a 2.35-acre tract of land out of Section 31, Block 40, T-1-S, T&P RR Company Survey and a 36.14-acre tract of land out of Section 32, Block 40, T-1-S, T&P RR Company Survey, Midland County, Texas. (Generally located approximately 650 feet north of W. State Highway 191, 400 feet west of N. County Road 1278.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9324

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 2.35-ACRE TRACT OF LAND OUT OF SECTION 31, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND A 36.14-ACRE TRACT OF LAND OUT OF SECTION 32, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS A CE, COUNTRY ESTATE DISTRICT; SAID TRACTS ARE GENERALLY LOCATED APPROXIMATELY 650 FEET NORTH OF STATE HIGHWAY 191, AND APPROXIMATELY 400 FEET WEST OF NORTH COUNTY ROAD 1278; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting follow up to previous action this is initial zoning. proposing ot develop country size estates. staff has listen to request and rec annex under ce district. no oppositionr eceived.

Mayor Morales opened the public hearing at 11:30 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9324.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9324 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

54. At approximately 10:54 A.M. hold a public hearing and consider an ordinance on a request by Corbette & Richard Padilla for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on the east 75 feet of the west 175 feet of the remainder of the south half of Block 16, Loma Linda Addition, Section 4, City and County of Midland, Texas. (Generally located on the south side of W. Oak Avenue, approximately 100 feet east of N. Big Spring Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9325

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS THE EAST 75 FEET OF THE WEST 175 FEET OF THE REMAINDER OF THE SOUTH HALF OF BLOCK 16, LOMA LINDA ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST OAK AVENUE, APPROXIMATELY 100 FEET EAST OF NORTH BIG SPRING 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

Development Services Director Chuck Harrington gave a brief overview of the item noting request by Richard Padilla for alcoholic beverages sales contrsuction of rest in downtown district. seating is 60 seats max and hours are 11 to 11. staff did nto receive any written notices of objection and rec approval.

Mayor Morales opened the public hearing at 11:33 a.m.

Corbette Padilla 42 lafayette place gourmet chocolate place choco devino.

There being no one else wishing to speak, the public hearing was closed at 11:33 a.m.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9325.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9325 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

55. At approximately 10:57 A.M. hold a public hearing and consider an ordinance on a request by Bonnie Bryant Smith / The Wine Rack for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, on a 3,932-square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of

Midland, Texas. (Generally located northeast of the intersection of N. Garfield Street and W. Loop 250 North.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9326

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,932 SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF NORTH GARFIELD STREET AND WEST LOOP 250 NORTH), 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 BAR 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

Development Services Director Chuck Harrington gave a brief overview of the item noting existing sup requesting increase in seating from 30 to 76 seats. It does meet code also changing hours from 10-10 to 11-11. staff reviewed found no issues no objections received rec approval.

Mayor Morales opened the public hearing at 11:36 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9326.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9326 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

56. At approximately 11:00 A.M. hold a public hearing and consider an ordinance on a City-initiated request to amend the City Code to establish Title XI, Chapter 2, Section 1, Subsection E, Paragraph 9, concerning the permitting of septic systems within the City Limits and Extra Territorial Jurisdiction of the City of Midland. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9327

AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", CHAPTER 2, "PLATS AND SUBDIVISIONS", SECTION 1, "GENERAL PROVISIONS", SUBSECTION (E), "JURISDICTION", OF THE CITY CODE OF MIDLAND, TEXAS, BY ESTABLISHING PARAGRAPH 9, SO AS TO PROHIBIT THE ISSUANCE OF SEPTIC PERMITS FOR NEW OR EXPANDED SEPTIC SYSTEMS FOR PROPERTY FOR WHICH A PLAT HAS NOT BEEN APPROVED; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE; AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting have platting restriction in ETJ. sometimes difficult to know exactly what is taking place. proposed anyone prior to getting permit for sewer system come in for platting. allow to ??? 11:38 and ensure adequate size lots being used for sewer systems. One thing come up is issue about if if if ?? 11:38 have to have 1 acre minimum. tceq regs. staff presented to p7z commission and approved on 601 vote staff rec to council adopt regulation. Dufford doing this at behest of Council. this is not new it went away and bringing it back. Love recently a citizen in county in etj wanting to get address because of requirement of having plat cost \$10,000. comment everybody in county does know about etj rules when live in etj. suggest reach out because don't know. courtney this will be additional tool and county very limited. trying to get partnership theres a lot of man camps and unregulated development trying to get a handle on.

Mayor Morales opened the public hearing at 11:40 a.m.

Keith Cain 1008 wcr 150. one reason moved out of city is because didn't want big brother looking over shoulder. what is this going to cost. at moment legal. talked to all neighbors and none of them like it. they heard of it by accident. how many people read newspaper nobody saw this notice in the newspaper. found out because putting on small trailer park and went through right procedures and got right permits. don't want them looking over shoulder. a lot of people out there breaking the law and already laws on books. can't regulate now how regulate more. Have 6 acres and build small place will cost another 8-10,000 because have to have it platted. doesn't like it.

Mayor there will be another public hearing be aware to get to neighbors so we can hear from them. Love can make written objections as well.

Freddie Matthis jur 2805 ncr 1130, licensed to put in facilities on septic his issues is where mother lives her lot is .4 of acre and alot of land out there. What are they going to suggest and wants to put another mobile home there. if not an acre and no more land to make up distance. Mayor what heard it is a state policy of 1 acre minimum for septic. Keith don't think tceq grandfathers for health and safety issues. Courtney not going to go into county but in this case as stated would have to come into compliance.. Freddie how does that make it right for 4,000-5,000 people already there. J.Ross need to contact tceq for regulations. Platting has been in place. freddie own a lot of property all over and in city. want to make sure that naythign subdivide has to be 1 acre or better always been that way; correct. Courtney state law for 1 acre septic has been around for over 20 years. not trying to overgovern just trying to make sure have safe well developed areas.

Joe Matthis 6202 ECR 59. concern for him and his brother told that little piece that have there is access and building going on need to make sure road ain't going to go by told need to take antoehr 15 feet from my neighbors and get other 15 and block piece off. need to show what need to do theres only 4.9 now. when try to buy land `15 years ago nobody wanted to sell. only tract there without an acre. what about people that can't buy land. Courtney if its existing structure with no changes will not go in and require anything. Mayor nothing is happening today. what you have now can stay this only happens if structure lost and rebuilt then will have to follow city codes.

Keith Cain it isn't bout regulation but about platting. Why you guys telling us this is tate regulation. it hasn't been followed and nobody policing now want to put back into affect

that never adhered to before. who is going to take care of it and law lapsed why make it go back to cost money. until you get out there and proove and regulate why burden people that are doing it right. its all about money. Don't mind having to get permit its paying to plat.

There being no one else wishing to speak, the public hearing was closed at 11:54 a.m.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9327.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9327 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Love question understand this is tool that can be used by City to help control man camps popping up, but this is a requirement from TCEQ. what is the reationalle for requiring a palt for septic. What will that accomplish by doing that. Courtney if you rmemeber a couple of weeks ago final zoning for space port. mah camp appeared into one of the launch site areas. although city granted auth to issue septic permits is health dept requested to issue septic permit and notify planning dept and start process with property owner. its just a way to manage growth in etj. people don't like to hear big brother or government by trying to control growth with though up to 3.5 miels and provide mergency services and when do annex tha tproper platting has occured. Love thoroughly get that but trying to what is reationalle for requiring plat for septic tank. Courtney that is decision for this body b4 issue spetic permit outside in etj does this body want to require plat b7y developer. Patrick they requirie one acre for every septic. Love we're requiring plats to make sure that lots are at least 1 acre. Patrick no. sparks what does platting do for you? Courtney to regulate growth in etj. Morales what is cost, robert depends on consultant but would like to point on blank field with no improvements value of empty field and order development of ame proeprty with water sewer and streets. whenever you plat and subdivide values increases dramatically. Generally not worth alot until developed properly. we are after a positive way. Love doing this because tceq is requiring. no tceq is 1 acre or septic and platting is tool for city. what does a one acre palt cost around \$10,000.

dufford in palce for a long time and just reinstated. Mayor this body needs to make decisions for 20-40 yeaqrs down road. Dufford big hole sat there for years and it cost city a lot of money some future council is going to ask why not proactive. have to orderly mng growth.

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

MISCELLANEOUS

57. Approved a resolution on a request for the approval of the Lone Star Trails, Section 1 final plat, being an 18.09-acre tract of land out of Section 12, Block 39, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the east side of N. State Highway 349, approximately 1,450 feet north of Arapahoe Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 334

RESOLUTION APPROVING A FINAL PLAT OF LONE STAR TRAILS, SECTION 1, BEING AN 18.09-ACRE TRACT OF LAND OUT OF SECTION 12, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 349, APPROXIMATELY 1,450 FEET NORTH OF ARAPAHOE ROAD)

Development Services Director Chuck Harrington gave a brief overview of the item noting first residential section of lone star trails. originally came through in June with prel plat approved by City council. items addressed except I which is final plat approval by city council. staff and p7z rec approval.

Council Member Lacy moved to adopt Resolution No. 2014 - 334; seconded by Council Member Hotchkiss.

Sparks this is part of larger prel and this is first small piece. this matches what was on original (chuck). Love they will bring rest back piece meal. chuck yes if any variance council will address.

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

58. Consider an ordinance establishing intersection stops at various locations within the City of Midland, Texas; requiring and authorizing the posting of appropriate signs at intersections; 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. 9328

AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE DESIGNATED LOCATIONS; 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

traffic engineer mike Pacini typical sotp sign ord. consolidated 2 older ord into one master ord. adding 85 new stop signs installed at new subdivisions since last ord update and proposing an all way stop at each of intersection of midkiff and interstate 20 roads. this is interim measure qualified for traffic signal. Lacy why is tradewinds on 4 way stop. will have another revision within a month or so. sparks if haven't look at look at west side of two loop 250 and i20 all way stop. Mike traffic signals at that location. Love midkiff and i20 county looking up to pony money to solve issue and possibly roundabouts. mike 3 way discussion in terms of full build out and interim options. this is earlier interim options to do quickly.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9328.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9328 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

read 61 a1 first prior to 59

59. Discuss a Purchase and Sale Agreement between the City of Midland and Energy Related Properties, LLC, which was executed by the City Manager on March 18, 2013, regarding the possible purchase and sale of Block 55, Original Town Addition, City and County of Midland, Texas (the "Property"). Discuss the First Amendment to the Purchase and Sale Agreement between the City of Midland and Energy Tower, LLC, which was executed by the City Manager on November 6, 2013, regarding the potential purchase and sale of real property described as Block 55, Original Town Addition, City and County of Midland, Texas and a portion of Loraine Street between Block 55 and 54, Original Town Addition, City and County of Midland, Texas. Discuss a potential Development Agreement as outlined in the Purchase and Sale Agreement. An approved Development Agreement is required before the sale of the property may occur. The Council will hear a presentation from the developer and their representatives. (CITY ATTORNEY'S OFFICE)

Mayor Energy Tower is not present will not hear a presentation.

Council Member Robnett moved to defer to later date because representative from Energy Related Properties are not present; 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.

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

will hear downstairs.

EXECUTIVE SESSION

out of exec 12:17 p.m.

recess 12:20 p.m.

61. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:
- a. Section 551.087 Deliberate Economic Development Negotiations.
 - a.1. Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives. Among the matters to be discussed will be a potential economic development agreement with Energy Related Properties, LLC and/or Energy Tower, LLC.
 - b. Section 551.072 Deliberation Regarding Real Property.

- b.1. Discuss the sale, exchange, lease or value of real property described as Block 55, Original Town Addition, City and County of Midland, Texas. Block 55 is the site of the former Midland County Courthouse. The Council will discuss the proposed sale of said real property to Energy Related Properties, LLC and/or Energy Tower, LLC.
 - b.2. Discuss the sale, lease and value of real property described as Lots 8,9,10,11 & 12, Block 56, Original Town of Midland, City of Midland, Midland County, Texas, according to the map or plat thereof, recorded in Volume 3, Page 232 of the Deed Records, Midland County, Texas.
- c. Section 551.074 Personnel Matters.
 - c.1. Deliberate the employment, evaluation, compensation and duties of the City Attorney.

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

PASSED AND APPROVED the ____ day of _____, ____.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary