

**MIDLAND CITY COUNCIL
MINUTES
October 07, 2014**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on October 07, 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., October 07, 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 - Dr. Tim Walker, First United Methodist Church
2. Pledge of Allegiance

PRESENTATIONS

Mayor Morales presented proclamation honoring Frank Haag.

copy of proclamation hung at airport

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation in honor of Frank Haag.

PUBLIC COMMENT

Gary Gray 5301 Quicksand Cove, provided handouts. express concern about house in may this year in Greathouse area devaluation of anatol and Briarwood and Spence apartment complex. Want to seek solutions and possible remedy. Do a better job of protecting privacy of homeowners. As you can see included an overhead view from Google Earth. Open and clearly see floors 2 and 3 look directly into back yard. design so can see what design looks like. Shift of blueridge on loop 250 allowed balconies to overlook backyards. Don't know what solutions I have never run into trouble would value privacy very concerned about devaluation of property. clearly an oversight by p7z clearly oversight. suggestions. Can rally greathouse hoa, can get local media involved don't know if it would do any good. would like endorsement from mcad that property values have gone down. gladly take advice. Mayor will set up meeting and brief about previous apartment complex and zoning issues. They are in confines of what blueprint.

no one else wishing to speak public comment closed.

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

CONSENT AGENDA

Council Member Dufford moved to approve Consent Agenda items 5 - 16 excluding 10, 12, 13; 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.

5. Approved a motion approving the following minutes:
 - a. Regular meeting of September 23, 2014.

6. Approved a resolution approving a contract with the sole bidder, Lamesa Irrigation Company, for two (2) center pivot irrigation systems and parts for the Spraberry Farm. (PURCHASING)

RESOLUTION NO. 2014 - 360

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE SOLE BIDDER, LAMESA IRRIGATION, COMPANY, FOR TWO (2) CENTER PIVOT IRRIGATION SYSTEMS AND PARTS FOR THE SPRABERRY FARM IN THE AMOUNT OF \$157,093.00

7. Approved a resolution approving the purchase of one (1) twenty-two (22') foot by thirty-six (36') foot Daktronics video board for the Security Bank Ballpark through Buyboard contract #413-13 from Daktronics, Inc. for a total cost of \$650,000.00 for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2014 - 361

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH DAKTRONICS, INCORPORATED, FOR THE PURCHASE AND INSTALLATION OF AN ELECTRONIC VIDEO BOARD AT THE SCHARBAUER SPORTS COMPLEX SECURITY BANK BALLPARK THROUGH BUYBOARD, AT A TOTAL COST OF \$650,000.00; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

8. Approved a resolution authorizing the advertisement for bids for the project described as Taxiway P Aircraft Run-Up (7084). (AIRPORTS)

RESOLUTION NO. 2014 - 362

RESOLUTION APPROVING PLANS AND SPECIFICATIONS PREPARED BY PARKHILL, SMITH AND COOPER, INCORPORATED, AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE CITY OF MIDLAND PROJECT DESCRIBED AS TAXIWAY P AIRCRAFT RUN-UP (7084) AT THE MIDLAND INTERNATIONAL AIR AND SPACE PORT

9. Approved a resolution authorizing the employment of the law firm of Kaplan, Kirsh and Rockwell regarding all matters related to airport height hazard and land compatibility zoning at Midland International Air and Space Port and Midland Airpark Airport. (AIRPORTS)

RESOLUTION NO. 2014 - 363

RESOLUTION AUTHORIZING THE EMPLOYMENT OF THE LAW FIRM OF KAPLAN, KIRSH AND ROCKWELL LLP, TO REPRESENT THE CITY OF MIDLAND REGARDING ALL MATTERS RELATED TO AIRPORT HEIGHT HAZARD AND LAND COMPATIBILITY ZONING AT MIDLAND INTERNATIONAL AIR AND SPACE PORT AND MIDLAND AIRPARK AIRPORT; AUTHORIZING THE PAYMENT OF ALL COSTS; AND APPROPRIATING FUNDS

11. Consider a Resolution to Authorize a Right-of-Way license Agreement with Coronado Midstream, for the installation, access, and maintenance of one (1) natural gas pipeline, not to exceed 16 inches in diameter, crossing City of Midland right of way on Golden Gate and across City-owned property, in Avalon future ROW in Block 40, Sections 23 &

24, T1S, Midland, TX. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 365

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND CORONADO MIDSTREAM LLC; SAID RIGHT-OF-WAY LICENSE IS FOR ENTERING CITY OF MIDLAND'S PROPERTY FOR THE PURPOSE OF PLACING, INSTALLING, CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND REMOVING A NATURAL GAS PIPELINE AND TO HAVE THE RIGHT OF INGRESS AND EGRESS AT CONVENIENT POINTS FOR SUCH PURPOSE; THE PROPERTY IS LOCATED IN MIDLAND COUNTY, TEXAS, BEING SECTIONS 23 AND 24, BLOCK 40, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY; THE FIRST CROSSING IS LOCATED AT GOLDEN GATE DRIVE, AND THE SECOND RIGHT-OF-WAY CROSSING IS LOCATED AT THE FUTURE AVALON DRIVE ON CITY OWNED PROPERTY; THE LICENSE TERM IS FOR FIVE (5) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE AND SHALL AUTOMATICALLY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL FIVE (5) YEAR TERM UPON 120 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

Council Member Dufford moved to approve Consent Agenda items 5 - 16 excluding 10, 12, 13; 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.

14. Approved a resolution authorizing the acceptance of an 0.75 acre Public Utility, Water & Wastewater Easement from Mark Payne, located in Section 19, Block 38, Texas & Pacific Railroad Company Survey for the purpose of constructing a water and wastewater improvements; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 368

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.75-ACRE UTILITY EASEMENT LOCATED IN SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, MIDLAND, MIDLAND COUNTY, TEXAS, FROM MARK PAYNE; AND ORDERING RECORDATION BY THE CITY SECRETARY

Council Member Dufford moved to approve Consent Agenda items 5 - 16 excluding 10, 12, 13; 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.

15. Approved a resolution authorizing an Operating Certificate for Silver Star Senior Transportation, LLC to operate a limousine business. (POLICE)

RESOLUTION NO. 2014 - 369

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR SILVER STAR SENIOR TRANSPORTATION, LLC, TO OPERATE A TAXICAB BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

Council Member Dufford moved to approve Consent Agenda items 5 - 16 excluding 10, 12, 13; 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.

16. Approved a resolution authorizing the execution of a Correction Special Warranty Deed. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2014 - 370

RESOLUTION AUTHORIZING THE EXECUTION OF A CORRECTION SPECIAL WARRANTY DEED FOR REAL PROPERTY DESCRIBED AS BEING ALL OF 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; THE CITY OF MIDLAND IS THE GRANTOR AND THE DOWNTOWN MIDLAND MANAGEMENT DISTRICT IS THE GRANTEE

Council Member Dufford moved to approve Consent Agenda items 5 - 16 excluding 10, 12, 13; 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.

10. Approved a resolution authoring the execution of a contract with Northern Little League. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2014 - 364

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH NORTHERN LITTLE LEAGUE TO PROMOTE TOURISM AND THE CONVENTION AND HOTEL INDUSTRY IN THE CITY OF MIDLAND; APPROPRIATING FUNDS FROM THE HOTEL/MOTEL FUND; AND PROVIDING THAT NORTHERN LITTLE LEAGUE WILL PROMOTE BASEBALL ACTIVITIES AND BASEBALL TOURNAMENTS IN THE CITY OF MIDLAND

Dufford think want to discuss this at retreat about hwo handle funding in advance vs way done in past. think its change from way done things. Mayor concerned about policy previous policy is matching fund and tournaments will be an issue. Like to see where Council would like to go and another asissting . defer and talk about.

Council Member Dufford moved to defer; 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.

12. Consider a Resolution to execute a Right of Way license and Surface Damage Agreement with Plains All American Pipeline, LP, for the installation and maintenance of a natural gas pipeline, not to exceed 8 inches in diameter, located in Block 38, Section 44, T1S, T&P RR Survey Co, Midland County, TX. (ENGINEERING

SERVICES)

RESOLUTION NO. 2014 - 366

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND PLAINS PIPELINE, LP; SAID RIGHT-OF-WAY LICENSE IS FOR ENTERING CITY OF MIDLAND'S PROPERTY FOR THE PURPOSE OF PLACING, INSTALLING, CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND REMOVING A PETROLEUM PIPELINE AND TO HAVE THE RIGHT OF INGRESS AND EGRESS AT CONVENIENT POINTS FOR SUCH PURPOSE; THE PROPERTY IS LOCATED IN MIDLAND COUNTY, TEXAS, BEING SECTION 44, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY; RECORDED IN VOLUME 2308, PAGE 3, DEED RECORDS OF MIDLAND COUNTY, TEXAS; THE LICENSE TERM IS FOR FIVE (5) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE AND SHALL AUTOMATICALLY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL FIVE (5) YEAR TERM UPON 120 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

Lacy pulled so robnett abstain.

Robnett keith defer until get affidvits prepared suppoed to be signed. come back later in meeting.

Council Member Lacy moved to defer to later in meeting ; 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.

Council Member Lacy moved to adopt Resolution No. 2014 - 366; seconded by Council Member Sparks.

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

13. Consider a Resolution to execute a Right of Way license and Surface Damage Agreement with Plains All American Pipeline, LP, for the installation and maintenance of a natural gas pipeline, not to exceed 24 inches in diameter, located in Block 38, Section 5 and 8, T1S, T&P RR Survey Co, Martin County, TX. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 367

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND PLAINS PIPELINE, LP; SAID RIGHT-OF-WAY LICENSE IS FOR ENTERING CITY OF MIDLAND'S PROPERTY FOR THE PURPOSE OF PLACING, INSTALLING, CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND REMOVING A PETROLEUM PIPELINE AND TO HAVE THE RIGHT OF INGRESS AND EGRESS AT CONVENIENT POINTS FOR SUCH PURPOSE; THE PROPERTY IS LOCATED IN MARTIN COUNTY, TEXAS, BEING SECTIONS 5 AND 8, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY; RECORDED IN VOLUME 239, PAGE 49, DEED RECORDS OF MIDLAND COUNTY, TEXAS; THE LICENSE TERM IS FOR FIVE (5) YEARS,

COMMENCING WITH THE DATE OF THIS LICENSE AND SHALL AUTOMATICALLY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL FIVE (5) YEAR TERM UPON 120 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

Council Member Sparks moved to adopt Resolution No. 2014 - 367; seconded by Council Member Love.

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

SECOND READINGS

PUBLIC HEARINGS

17. At approximately 10:30 A.M. hold a public hearing and consider an ordinance on a request by SBC, L.P. for a zone change from PD, Planned District for a Shopping Center to O-2, Office District, on an 8.55-acre portion of Lot 1, Block 6, Westridge Park Addition, Section 6, City and County of Midland, Texas. (Generally located southwest of the intersection of N. Loop 250 West and Champions Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9329

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING AN 8.55-ACRE PORTION OF LOT 1, BLOCK 6, WESTRIDGE PARK ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH LOOP 250 WEST AND CHAMPIONS 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 SBC limited partnership proposing to construct office of this site. want to go to o-2. Protect surrounding properties orig comp plan claied for single family homes but tha t isn't happening no loj 10:34 p7z rec approval 7-0.

Mayor Morales opened the public hearing at 10:34 a.m. The applicant deferred to staff. There being no one else wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9329.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9329 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.

18. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a

request by I-43, Associates for a zone change from MF-1, Multiple-Family Dwelling District to O-2, Office District, on a 10.21-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 north end of Edwards Street, approximately 470 feet north of Corporate Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9330

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 10.21-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 MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED ON THE NORTH END OF EDWARDS STREET, APPROXIMATELY 470 FEET NORTH OF CORPORATE 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 is made by I-43 Associates rezoning. they will have additional set backs for bldgs exceed 50 feet in hgt. have midland xraw sep from res prop to east all rest office type. p7z approved request uanan. received 3 letters requesting additional info no opposition.

Mayor no issues with flooding ind raw. chuck no. sparkers max bldg hgt. chuck 80 feet but additional set back will restrict to max of 80 and additional setbacks for anything over 50 feet. max 7 floors at 11 feet 9 inches which comes to 80.5 feet includes building itself if have roof equipment exempt unless build structure around roof.

Love 7 story building in location would set back towards west is set back enough so on 7th floor not looking in back yard of people? chuck pretty long distance unless looking with binoculars.

Mayor Morales opened the public hearing at 10:37 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. 9330.

Council Member Love moved approval of the first of two readings of Ordinance No. 9330 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.

19. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by Koontz-McCombs for a zone change from PD, Planned District for and Office Center to and Amended Planned District on Lot 2, Block1, Corporate Plaza, City and County of Midland, Texas. (Generally located northwest of the intersection of Edwards Street and Corporate Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9331

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2, BLOCK 1, CORPORATE PLAZA, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF EDWARDS STREET AND CORPORATE DRIVE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting orig pd located across from previous case. proposing to put in office at location requesting to go to O-2 which gives more latitude on height. want rezone for 3 story office center. doesn't fit in O-1 district. adequate access remove old building it will be gone. this was heard by p&z unan rec approval no objections to request.

Mayor Morales opened the public hearing at 10:41 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. 9331.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9331 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.

20. At approximately 10:39 A.M. hold a public hearing and consider an ordinance on a request by Permian Homes for a zone change from AE, Agriculture-Estate District to PD, Planned District for a Housing Development, on a 24.09-acre tract of land out of Section 12, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Magellan Street at the east extension of Daybreak Way.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9332

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 24.09-ACRE TRACT OF LAND OUT OF SECTION 12, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE NORTH SIDE OF MAGELLAN STREET, AT THE EAST EXTENSION OF DAYBREAK WAY); 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 move forward with second phase of dev. property 24 acre section request go from agricultural to PD for housing dev with underlying of 1F3. they will be having 15 foot yard setbacks. p7z rec approval unanimous. no objection. Mayor show many homes? chuck not sure probably max out about 4 units to acre.

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.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9332.

Council Member Love moved approval of the first of two readings of Ordinance No. 9332 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.

21. At approximately 10:42 A.M. hold a public hearing and consider an ordinance on a request by Lowe's Home Centers, LLC for a zone change from PD, Planned District for a Housing Development to an Amended Planned District, on Lot 2, Block 2, Grandridge Park Addition, Section 1, City and County of Midland, Texas. (Generally located northwest of the intersection of N. Loop 250 West and W. Wadley Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9333

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, GRANDRIDGE PARK ADDITION, SECTION 1, 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 NORTHWEST OF THE INTERSECTION OF NORTH LOOP 250 WEST AND WEST WADLEY AVENUE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting situation Lowes so busy in Midland ran into problem with outdoor storage of materials. ordinance restricts asking part of PD put in screened wall for outdoor storage. showed example of what looked like portion covered. will have gates for emergency vehicles no product visible above fence and staff as well as p7z unanimous rec approval of request no objection. love how tall. chuck 15 feet. sparks still lower than ceiling of building. Love historically problems with this property with respect to display trash this is something that will help that. chuck yes issues Lowe's has worked very well and this is plan to alleviate issues. JR busiest store in country one of them. Mayor thanked reps for working with city.

Mayor Morales opened the public hearing at 10:48 a.m. Matthew Minton, corp director

listen 10:48. Mayor very receptive from day one keep up great work. busiest store hopes for correct situation.

There being no one else present wishing to speak, the public hearing was closed at 10:49 a.m.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9333.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9333 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.

22. At approximately 10:45 A.M. hold a public hearing and consider an ordinance on a request by Sam Lawson for a zone change from PD, Planned District for a Transition District to an Amended Planned District on Lot 13, Block 22, West End Addition, Section 19, City and County of Midland, Texas. (Generally located southeast of the intersection of N. "I" Street and W. Illinois Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9334

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 13, BLOCK 22, WEST END ADDITION, SECTION 19, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH "I" STREET AND WEST ILLINOIS AVENUE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item unique site zoned transition district in 1987 and as part ready to develop/. now asking for approval for site plan as amended planned district. The staff has reviewed access will be off Illinois. request reasonable, adequate parking for 2 story development. staff and public rec approval.

Mayor Morales opened the public hearing at 10:51 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. 9334.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9334 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.

23. At approximately 10:48 AM 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. 9335

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 gave a brief overview of the item been on council agenda several times request for approval of sit eplna. max density of 21 units per acre. staff rec approval adequate access internal circujmlation. primary pavillion and secondary access stonegate to east. proposing masonry screen fence along so property line and colump and wrought iron on rest of property bldg elev met staff requ for bldg materials. taken before p7z in June no objections on proposal.

Mayor Morales opened the public hearing at 10:55 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. 9355.

Council Member Love moved approval of the first of two readings of Ordinance No. 9335 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.

24. At approximately 10:51 A.M. hold a public hearing and consider an ordinance on a request by D. R. Horton, Texas Ltd. for a zone change from PD, Planned District for a Housing Development to an Amended Planned District, on a 104.50-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the west side of Avalon Drive, approximately 1,720 feet south of State Highway 191.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9336

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING

CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 104.50-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, 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 ON THE WEST SIDE OF AVALON DRIVE, APPROXIMATELY 1,720 FEET SOUTH OF STATE HIGHWAY 191); 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 D.R. Horton two dev 2 story homes. if alley seperating then 10 foot rear yard. if no alley 30 foot rear yards and dif is 20 feet taken away because of impact of rules. with alley 40 this is 60 feet. asking for similar relief want 20 foot rear yards so same 40 foot seperate. this was presented to 07z rec approval unan no loj.

Mayor Morales opened the public hearing at 10:58 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. 9336.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9336 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Sparks that line of homes is that already on previous map tha thas smaller? do those lots already been platted. chuck lower maps platted but new development has not.

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

25. At approximately 10:54 a.m. hold a public hearing regarding a proposed oil and gas permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Cowden No 1205D) located 2,129 feet from the south line and 2,262 feet from the east line located in Section 12, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Mockingbird Lane, approximately 3,000 feet east of State Highway 349.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting one of two wells in same area. been through o7g adv commit made rec and corrections made. agmt with surface dev and both signed off. tank batter is existing battery down to south. it will be upgraded to standards of city. one loj of fof Pueblo.

Mayor Morales opened the public hearing at 11:01 a.m. There being no one present wishing to speak, the public hearing was immediately closed. No further action was taken on this item.

26. At approximately 10:57 a.m. hold a public regarding a proposed oil and gas permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City

Limits, (Cowden No 1206) located 1,795 feet from the south line and 467 feet from the east line located in Section 12, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Mockingbird Lane, Approximately 470 feet west of the extension of Fairgrounds Road.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting ditto on this same sit no loj.

Mayor Morales opened the public hearing at 11:02 a.m. There being no one present wishing to speak, the public hearing was immediately closed. No further action was taken on this item.

27. At approximately 11:00 A.M. hold a public hearing and consider an ordinance on a request by SBC, L.P. for a Special Exception to the Zoning Code concerning the required maximum building height, on an 8.55-acre portion of Lot 1, Block 6, Westridge Park Addition, Section 6, City and County of Midland, Texas. (Generally located southwest of the intersection of N. Loop 250 West and Champions Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9337

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR AN 8.55-ACRE PORTION OF LOT 1, BLOCK 6, WESTRIDGE PARK ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH LOOP 250 WEST AND CHAMPIONS DRIVE), BY PERMITTING A BUILDING TO EXCEED THE MAXIMUM HEIGHT LIMIT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting the previous case for office zoning. due to way ord written 11 feet 9 inches almos timpossible is space for equipment ac of that is pretty low. been looking at as par tof new zoning and changing the def of a floor height. looking now at 14 feet. right now tough when trying to do atriums. went to o02 zone because want to get awayf rom pd. work with applicnat and agreed to this method. orig rec denial because tha tis standard staff policy but think in this reason council should give consideration to changing coming forward and getting away from PD. Lacy parking EOG is to west and not adequate parking does this one? Yes sir. (former mdc) chuck catching up seen before didn't quite fit and in past used pd but straight o2 zoning is better and talk about special exceptions. sparks understanding request to increase height from 80.5 to 85. and tha tis absent of anything on roof. if structure on roof then then it becomes part of bldg height but applicant wont do that.

Keith a couple of years ago did streamline the process because prior to this it would hav egone to board of adj and they would have granted exception. took jurisdiction now straight to council you have streamlined.

Mayor Morales opened the public hearing at 11:07 a.m.

Doug Henson Vestry owner developer of subdivision with Eric West PSC if questions. would like to take minute and talk about height. have contract with office development. first thing pointed out is 11 ft 9 inch is obsolete of floor height in commercial bldg industry. They contend it should be 15 feet. What asking for on their behalf if first floor 15 feet and only go to 6 stories instead of 7 and that would get them the 85 feet. the next 5 stories 14 feet and have in house mechanical screen area on top. this property has neighbors of Sprot complex north loop 250 on east crestview baptist on south end and parking garage on west. appropriate height variation. think will be hearing if have office growth request for variance in code because out of date. lacy what is total sq ft 100,000 sq ft and multi story parking structure. Love first floor 15 feet want to create atrium or vestibule? doug not intent just walk of appeal and more massive entrance than anything special inside.

There being no one else wishing to speak, the public hearing was closed at 11:10 a.m.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9337.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9337 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.

28. At approximately 11:03 A.M. hold a public hearing and consider a resolution on a request by Lone Star Bar for a Temporary Land Use Permit for an outdoor amusement function on the West 90 feet of Lots 10, 11 and 12, Block 61 and a 150-foot section of the 100 Block of S. Carrizo Street, Original Town Addition, City and County of Midland, Texas. (Generally located southeast of the intersection of S. Carrizo Street and W. Wall Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 371

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN OUTDOOR AMUSEMENT FUNCTION ON THE WEST 90 FEET OF LOTS 10-12, BLOCK 61, AND A 150 FOOT SECTION OF THE 100 BLOCK OF SOUTH CARRIZO STREET, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH CARRIZO STREET AND WEST WALL STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting had similar request 2 weeks ago to close portion of street for outdoor party function in conjunction with oil expo. applicant provided adequate restrooms and guards for event. will have music and request for approval for closure staff has no objection and rec approval. Mayor is applicant here?

Mayor Morales opened the public hearing at 11:12 a.m.

Derek Phiffer, rep lone star bar and trying to propose have same closure going on tuesday 21st do same thing on wed 22nd of october for oil show. will be secured .

Mayor 4 security officers during time of event. Morales first time doing outdoor event. Derek no. Mayor bringing in outside food vendors. Derek oil company is. provide own catering. Mayor tell about trash. Derek two large City containers but access to trailers and company that picks up trash. parking taken care of. Lacy not same day as The Bar. this is Wednesday theirs is Tuesday.

There being no one else wishing to speak, the public hearing was closed at 11:15 a.m.

Council Member Lacy moved to adopt Resolution No. 2014 - 371; 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.

29. At approximately 11:06 A.M. hold a public hearing and consider an ordinance on Tuesday, October 7, 2014 considering a resolution supporting the THF Palladium Midland development application to the Texas Department of Housing and Community in the Council Chamber, City Hall, 300 North Lorraine. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 372

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS STATING NO OBJECTION TO THE PALLADIUM MIDLAND, LTD.'S APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR 2014 HOUSING TAX CREDITS FOR A PROPOSED DEVELOPMENT OF AFFORDABLE RENTAL HOUSING THAT WILL BE LOCATED AT 2200 SOUTH LAMESA ROAD, MIDLAND, TEXAS, KNOWN AS THE PALLADIUM MIDLAND; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS; AND PROVIDING AN EFFECTIVE DATE

Development Services Director Chuck Harrington gave a brief overview of the item noting one that happy to bring forward. will help with workforce stock housing 80% below market rates. ratio 264 units include amenities of clubhouse pool playground, sports court and open space on site. this is requirement they need to take to tx dept of comm affairs and housing as part of their process for tax financing type issue. staff would rec approval. Love want to comment chuck had robert for hard work on this excellent job. did visit with TH ?? 11:17 and very excited about project in district support whole heartedly. Other projects all over globe are incredible. great asset to entryway of city. Jerry different than tax credit come before? correct. tdhc funding. Morales what percentage? 80.

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

Council Member Love moved to adopt Resolution No. 2014 - 372; 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.

MISCELLANEOUS

30. Consider 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. (ENGINEERING SERVICES)

ORDINANCE NO. 9338

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

Development Services Director Mike Pacelli gave a brief overview of the item standard stop sign ?? 10:21 putting in after approval of second reading of ord.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9338.

Council Member Love moved approval of the first of two readings of Ordinance No. 9338 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. Approved a resolution requiring City Council approval of a Site Plan by HEB Grocery Company LP for Claydesta Plaza North Addition Section 4, requiring HEB Grocery Company LP to install improvements as identified by a Traffic Impact Analysis, and specifying that the initial financial contribution of HEB Grocery Company LP for the construction of paving and traffic improvements shall not exceed \$900,000 and shall increase by three percent each year until said improvements are installed. Claydesta Plaza North Addition Section 4 is generally located on the southwest corner of SH 349 and W Loop 250 N. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 373

RESOLUTION REQUIRING CITY COUNCIL'S APPROVAL OF THE SITE PLAN OF HEB GROCERY COMPANY, LP, OR HEB GROCERY COMPANY, LP'S SUCCESSORS AND ASSIGNS, FOR CLAYDESTA PLAZA NORTH, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF BUSINESS STATE HIGHWAY 349-C, COMMONLY KNOWN AS NORTH BIG SPRING STREET, AND LOOP 250) PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR ANY STRUCTURE HAVING AN AREA GREATER THAN 10,000 SQUARE FEET LOCATED THEREON; REQUIRING HEB GROCERY COMPANY, LP, OR HEB GROCERY COMPANY, LP'S SUCCESSORS AND ASSIGNS, TO INSTALL IMPROVEMENTS TO BE IDENTIFIED IN A TRAFFIC IMPACT ANALYSIS PRIOR TO THE ISSUANCE OF A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY FOR ANY STRUCTURE HAVING AN AREA GREATER THAN 10,000 SQUARE FEET LOCATED THEREON; THE FINANCIAL CONTRIBUTION OF HEB GROCERY COMPANY, LP, OR HEB GROCERY

COMPANY, LP'S SUCCESSORS AND ASSIGNS, INITIALLY SHALL NOT EXCEED \$900,000.00 AND SHALL INCREASE BY THREE PERCENT EACH YEAR UNTIL SAID IMPROVEMENTS ARE INSTALLED; AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO RELEASE HEB GROCERY COMPANY, LP'S LETTER OF CREDIT THAT WAS PREVIOUSLY DELIVERED TO THE CITY OF MIDLAND; AND ORDERING RECORDATION BY THE CITY SECRETARY

Engineering Services Director Jose Ortiz gave a brief overview of the item noting in an effort to be friendly traffic issues come with HEB store. platting process went through traditional process required traffic analysis. Improvements proposed need more consideration. Need site plan answer want to be dev agreement but don't have infrastructure need to defer to site plan and have final tie and have agreement HEB provide funds so part of resolution. Love how did you come up with cap of \$900,000? Jose looked at numbers staff looked at items and projected or needed regional issues some city dollars need to be put in project \$900,000 at time was fair number. That may change in 2-3 years that is reason put in escalator. Love escalator 3% realistically is 3% enough considering inflation is much higher. Jose that is good question tough percentage. recognize anticipating or hope some type of correction its hard to quantify at this point. looking at dev in next 203 years. Love if 3% not appropriate is there mechanisms to reevaluate. Jose no. Keith agreed. Morales tie talk about when go into affect. no design work. Jose they submitted tie based on size of store. they have projected access points but staff not comfortable with proposal. May need to look at regional development. Morales they may submit but not build for several years. Lacy work with TXDOT. Jose yes. Jose those numbers defined. proposed signal with conflict with existing signals at loop/. Lacy want traffic signal between loop and veterans park. Jose yes. Morales actual structure any idea will Council see it. Jose it will come back to Council. Anything less than 10,000 feet no impact anything larger need to look at. Love any idea might build just build strip mall and something for themselves. Jose heard that is an option. could be as high as 100,000 sq ft. Courtney probably temp structure before store itself think that is why seeing now. if under 10,000 can build because minimal impact.

Sparks way read resolution says not 900,000 in could come in less and they get benefit of coming in less which is why Mr. Love's question of is 3% enough a valid concern. Basically capped their obligation but not the City's. Jose fair statement. staff feels comfortable because of regional concerns. Keith think Mr. Ortiz worked closely with legal office and he did very good job in negotiating. He wasn't dealing with a position of strength doing best he could. Inherited did a good job did best he could. Robnett rep from HEB here. Jose not sure if anyone came today. Mayor not going to put something up. Love this 900,000 is for potential traffic and if extra stuff comes in can include in site plan and not use with 900,000. Jose, there are things they can do on private property that can help alleviate. that is all on them.

Council Member Love moved to adopt Resolution No. 2014 - 373; 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.

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

Council Member Lacy moved to appoint Jay Bradford (architect), Don Woodward (current Building Code Board of Appeals Member), Louis Caraveo (general contractor), Ryan Almand (electrical contractor), Gilbert Saenz (homebuilder), Phillip Sorrel (plumbing and mechanical contractor), and T.J. McClure (architect), and Laurence Oeth (structural engineer) to the Building Code Review Committee; 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.

EXECUTIVE SESSION

reces to executive session at 11:22 a.m.

33. 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. 551.074 Personnel Matters.

- a.1. Deliberate the appointment, employment, compensation, and duties of a new 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