

**MIDLAND CITY COUNCIL
MINUTES
October 08, 2013**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on October 08, 2013.

Council Members present: Mayor W. Wesley Perry, Council Member Jerry Morales (At-Large), Council Member Scott Dufford (At-Large), Mayor Pro Tem Jeff Sparks (District 1), Council Member John Love (District 2), Council Member John James (District 3), and Council Member Michael Trost (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 Jim Nichols, City Secretary Amy Turner, Police Chief Price Robinson, General Services Director Robert Patrick, Fire Chief Robert Patrick, Utilities Director Stuart Purvis, Administrative Services Director Catherine Clifton, Finance Director Bob McNaughton, Community Services Director Tina Jauz, Acting Engineering Director David Beard, Planning Division Manager Cameron Walker, Building Official Steve Thorpe, GIS Manager Bill Hodge, Public Information Officer Sara Higgins, Multimedia Developer Ryan Stout, 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 08, 2013.

Council Members present: Mayor W. Wesley Perry, Council Member Jerry Morales (At-Large), Council Member Scott Dufford (At-Large), Mayor Pro Tem Jeff Sparks (District 1), Council Member John Love (District 2), Council Member John James (District 3), and Council Member Michael Trost (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 Jim Nichols.

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:08 a.m.

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

PRESENTATIONS

Mayor presented retirement commendations to Janice Jackson, (Bill Anderson not present) Vincent Hancock.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation for Breast Cancer Awareness Month & Pink the Basin Breast Cancer Awareness Day.
 - b. Presentation of retirement commendation to Janice Jackson, William Anderson and Vincent Hancock.

PUBLIC COMMENT

Rachel Stone, 1902 N Pecos, came to talk about trash on Loop and Big Spring. Since then Mr. Williams contracted her and informed her of procedure and let know staff followed up. and hope get rid of trash.

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

5. Approved a motion approving the following minutes:

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

- a. Regular Meeting of September 24, 2013.

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

6. Approved a resolution nominating an individual to the Midland Central Appraisal District

Board (MCAD) of Directors. (FINANCE)

RESOLUTION NO. 2013 - 348

RESOLUTION NOMINATING W. WESLEY PERRY FOR THE MIDLAND CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS; AND DIRECTING THE CITY MANAGER TO DELIVER A COPY OF THIS RESOLUTION TO THE MIDLAND CENTRAL APPRAISAL DISTRICT

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

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

RESOLUTION NO. 2013 - 349

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE AND INSTALLATION OF TWO (2) CENTER PIVOT IRRIGATION SYSTEMS, PLUS RELATED EXTRA PARTS, FOR USE AT THE CITY'S SPRABERRY FARM FROM THE SOLE BIDDER, LAMESA IRRIGATION COMPANY, OF LAMESA, TEXAS, AT A TOTAL COST OF \$154,481.32

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

8. Approved a resolution approving the purchase of an estimated annual supply of 200,000 pounds of Liquid Anhydrous Ammonia to treat the City's drinking water for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2013 - 350

RESOLUTION AUTHORIZING THE PURCHASE OF AN ANNUAL SUPPLY OF LIQUID ANHYDROUS AMMONIA FOR TREATING CITY OF MIDLAND DRINKING WATER FROM BRENNTAG SOUTHWEST, INCORPORATED, AT A TOTAL COST OF \$213,400.00

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

9. Approved a resolution approving the purchase of one (1) - water truck tandem axle cab and chassis and three (3) - refuse truck tandem axle cab and chassis' from Roberts

Truck Center for the Garage Division; one (1) - refuse cart truck tandem axle cab and chassis through HGAC from Rush Truck Center of Texas L.P. for the Garage Division. (PURCHASING)

RESOLUTION NO. 2013 - 351

RESOLUTION APPROVING THE PURCHASE OF ONE (1) WATER TRUCK TANDEM AXLE CAB & CHASSIS AND TWO (2) REFUSE TRUCK TANDEM AXLE CAB & CHASSIS' FROM ROBERTS TRUCK CENTER, OF MIDLAND, TEXAS, FOR \$358,600.00; AND APPROVING THE PURCHASE OF ONE (1) REFUSE CART TRUCK TANDEM AXLE CAB & CHASSIS FROM RUSH TRUCK CENTER OF TEXAS, L.P., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL, FOR \$157,960.00; TOTAL COST FOR THE FOUR (4) TANDEM AXLE CAB & CHASSIS' IS \$516,560.00

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

10. Approved a resolution authorizing the issuance of a request for proposals for a city-wide Enterprise Resource Planning (ERP) system for the Communications and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2013 - 352

RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS FOR A CITY-WIDE ENTERPRISE RESOURCE PLANNING SYSTEM; AND THIS SOFTWARE SYSTEM SHALL ADDRESS THE REPLACEMENT OF THE CITY'S CURRENT FINANCIAL AND COMMUNITY DEVELOPMENT SYSTEMS

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

11. Approved a resolution authorizing the issuance of a request for qualifications for a consultant to perform a Hydraulic Model Update and Evaluation of the City of Midland's Existing Water System for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2013 - 353

RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR A CONSULTANT TO PERFORM A HYDRAULIC MODEL UPDATE AND EVALUATION OF THE CITY OF MIDLAND'S EXISTING WATER SYSTEM FOR THE UTILITIES DEPARTMENT

Matt Irvin, Interim Director of Utilities. Trost explain what does consulting do. Matt Hydraulic modeling is computer generated on hydraulic system. Takes very specialized high end software, in put of water distribution system, size of pipes how laid out, elevations, sizes, demands on part of system, takes those things and when run model after inputting data it gives info about the system such as are pipes big enough? will demands be too great? do you need to add a line or make changes to make system

work best?

Trost have so much going on this is sessential for delivery to new area that planning infrastructure for? Moving rapidly how soon will you be able to tie in? Matt this model exists now, this is not brand new. Issue here is that laity who runs modeling. The person who did this has started her own company and now want to contract directly with her because she is doing modeling for Midland for years.

Love is this request take into consideration age of infrastructure? Matt models are only used to determine hydraulic conditions or used to determine water quality issues. they are not used identify problems, usually know hwere problems are take that into account. Matt doesn't take that in concern but if have different numbers need to look at other areas such as pipes are no longer the diameter that originally was.

Council Member James moved to adopt Resolution No. 2013 - 353; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

12. Approved a resolution authorizing the issuance of a request for qualifications for an Agronomic Compliance Consultant for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2013 - 354

RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR AN AGRONOMIC COMPLIANCE CONSULTANT FOR THE UTILITIES DEPARTMENT

Trost in reading general scope of serice it says all techs in exhibit shall be computer based compatible with microsoft office 2007. Is that where we are? Courtney trying to get there on most machines.

Council Member Trost moved to adopt Resolution No. 2013 - 354; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

13. Approved a resolution approving a request for proposals for an oil and gas lease at the Midland International Airport. (PURCHASING)

RESOLUTION NO. 2013 - 355

RESOLUTION AUTHORIZING ADVERTISEMENT FOR PROPOSALS TO LEASE LAND AT THE MIDLAND INTERNATIONAL AIRPORT FOR THE PURPOSES AND WITH THE EXCLUSIVE RIGHT OF EXPLORING, DRILLING, AND OPERATING FOR, PRODUCING AND OWNING OIL AND GAS; AND APPROVING AN OIL AND GAS LEASE; AND DETERMINING THAT IT IS ADVISABLE TO LEASE SAID LAND FOR THE PURPOSES AND WITH THE EXCLUSIVE RIGHT OF EXPLORING, DRILLING, AND OPERATING FOR, PRODUCING AND OWNING OIL AND GAS; SAID ADVERTISEMENT FOR REQUEST FOR PROPOSALS SHALL BE IN CONFORMITY WITH VERNON'S TEXAS CODES ANNOTATED CHAPTER 71 OF THE NATURAL

RESOURCES CODE

Morales staying away from airport? Marv correct issues was a lot of challenges now look at international 300 surface acres and a few interest parties.

Council Member Trost moved to adopt Resolution No. 2013 - 355; seconded by Council Member Morales.

Dufford still available just more challenges. Morales what percentage Marv 25 % minimum. Wes who helping? Marv same template went through again and made a few changes draft lease up for negotiation with co w best qualification. Dufford last go around Dufford Sparks had input.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

14. Approved a motion authorizing the City Manager to negotiate and execute an agreement with the appropriate entity to allow artwork, and sculptural art and exhibits at the Midland International Airport. (CITY ATTORNEY)

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

15. Approved a resolution approving an agreement between the MDC and Midland College. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2013 - 356

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND MIDLAND COLLEGE, AS AUTHORIZED BY CHAPTERS 504 AND 501 OF THE TEXAS LOCAL GOVERNMENT CODE, AS AMENDED

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

16. Approved a resolution authorizing the acceptance of \$55,815.00 in reimbursement funds from Texas Department of State Health Services to assist the Health and Senior Services Division with the delivery of Local Public Health Services. (COMMUNITY SERVICES)

RESOLUTION NO. 2013 - 357

RESOLUTION AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT FUNDS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES IN THE AMOUNT OF \$55,815.00 TO ASSIST THE HEALTH AND SENIOR SERVICE DIVISION WITH THE DELIVERY OF LOCAL PUBLIC HEALTH SERVICES; AND AUTHORIZING THE

EXECUTION OF ACCEPTANCE DOCUMENTS

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

17. Approved a resolution authorizing the acceptance of \$100,950.00 in reimbursement funds from Texas Department of State Health Services to assist the Health and Senior Services Division with the delivery of Public Health Emergency Preparedness Services. (COMMUNITY SERVICES)

RESOLUTION NO. 2013 - 358

RESOLUTION AUTHORIZING THE ACCEPTANCE OF \$100,950.00 IN REIMBURSEMENT FUNDS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TO ASSIST THE HEALTH AND SENIOR SERVICE DIVISION WITH THE DELIVERY OF PUBLIC HEALTH EMERGENCY PREPAREDNESS SERVICES; AND AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

18. Approved a resolution authorizing the acceptance of \$150,358.00 in reimbursement funds from Texas Department of State Health Services to assist the Health and Senior Services Division with the delivery of Immunization Services. (COMMUNITY SERVICES)

RESOLUTION NO. 2013 - 359

RESOLUTION AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT FUNDS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES IN THE AMOUNT OF \$150,358.00 TO ASSIST THE HEALTH AND SENIOR SERVICE DIVISION WITH THE DELIVERY OF IMMUNIZATIONS; AND AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

19. Approved a resolution authorizing the acceptance of \$19,789.00 in reimbursement funds from Texas Department of State Health Services to assist the Health and Senior Services Division with delivery of Refugee Immunizations Services. (COMMUNITY SERVICES)

RESOLUTION NO. 2013 - 360

RESOLUTION AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT FUNDS

FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES IN THE AMOUNT OF \$19,789.00 TO ASSIST THE HEALTH AND SENIOR SERVICE DIVISION WITH THE DELIVERY OF REFUGEE IMMUNIZATIONS SERVICES; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS; AND APPROPRIATING FUNDS

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

20. Approved a resolution authorizing the Parks & Recreation Endowment Committee to extend the hours of the Kick-Off Cook-Off from 12:00 a.m. through 6:00 a.m. on Sunday, October 20, 2013. (COMMUNITY SERVICES)

RESOLUTION NO. 2013 - 361

RESOLUTION AUTHORIZING THE PARKS AND RECREATION ENDOWMENT COMMITTEE TO EXTEND THE HOURS OF THE KICK-OFF COOK-OFF FROM 12:00 A.M. THROUGH 6:00 A.M. ON SUNDAY, OCTOBER 20, 2013 AT THE SCHARBAUER SPORTS COMPLEX

Morales this great event worked on parks and recreation. going along with 2020 plan and want to encourag eeveryone to come out on Sunday. Tina start on Saturday and because will stay with cookers overnight and sunday watch games, cook off bands. hoping to grow every year. morales trying hard endowment comm to meat goal fo \$20m.

Trost point out money raised endowment fund the itnerest off of the fund can grow and grow with money as gets larger and hopefully goal wher eitnerest will fofset ad valorme taxes that is goal. This is great event encourag eeveryone to show upl.

Council Member Trost moved to adopt Resolution No. 2013 - 361; seconded by Council Member James.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

21. Approved a resolution approving the issuance of a permit to Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Chaps #4) located 330 feet from the north line and 1,831 feet from the west line located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the Passage Way, approximately 1,800 feet east of north of North Midkiff Road). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 362

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 330 FEET FROM THE NORTH LINE AND 1,831 FEET FROM THE WEST LINE, SECTION 9, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF PASSAGE WAY, APPROXIMATELY 1,800 FEET EAST OF NORTH MIDKIFF

ROAD); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

22. Consider an amendment to an oil and gas well drilling permit to CrownQuest Operating, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (COM Nail #2) located 660 feet from the north line and 2,173 feet from the east line located in Section 36, Block 39, T-1-N, T&P RR Co. Survey, City of Midland and County of Martin, Texas. (Generally located on the east side of the State Highway 349, approximately three (3) miles north of Arapahoe Road). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 363

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO CROWNQUEST OPERATING, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 660 FEET FROM THE NORTH LINE AND 2,173 FEET FROM THE EAST LINE, SECTION 36, BLOCK 39, T-1-N, T&P RR CO. SURVEY, CITY OF MIDLAND AND MARTIN COUNTY, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF THE STATE HIGHWAY 349, APPROXIMATELY 3 MILES NORTH OF ARAPAHOE ROAD); SAID AMENDMENT AUTHORIZES THE WELL LOCATION TO BE MOVED 153 FEET TO THE EAST FOR A NEW WELL LOCATION OF 660 FEET FROM THE NORTH LINE AND 2,020 FEET FROM THE EAST LINE, SECTION 36, BLOCK 39, T-1-N, T&P RR CO. SURVEY, CITY OF MIDLAND AND MARTIN COUNTY, TEXAS

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

23. Approved a resolution amending the TIRZ Bylaws ARTICLE II, Section, Regular Meetings. (DOWNTOWN DEVELOPMENT)

RESOLUTION NO. 2013 - 364

RESOLUTION APPROVING THE AMENDED BYLAWS OF THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ)

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

24. Approved a resolution authorizing the execution of a Public Improvement Development

Agreement with Universal Pressure Pumping for the installation of water distribution improvements to serve the Universal Pressure Pumping site in the amount of \$174,510. The subject property is generally located along Industrial Avenue approximately 1,000' west of Midland Drive. Said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 365

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH UNIVERSAL PRESSURE PUMPING, INC. FOR DEVELOPMENT OF TIMBERLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ALONG INDUSTRIAL AVENUE, APPROXIMATELY 1,000 FEET WEST OF MIDLAND DRIVE); AND APPROPRIATING FUNDS IN THE AMOUNT OF \$174,510.00 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

25. Approved a resolution authorizing the execution of a Amendment to the Public Improvement Development Agreement with Brighton Country Development to allow the Engineer (Parkhill, Smith & Cooper) to request payment for Engineering Services for the portion of Briarwood Avenue associated with the City Participation. Said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 366

RESOLUTION AUTHORIZING THE EXECUTION OF AN ADDENDUM TO THE PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH BRIGHTON COUNTRY DEVELOPMENT, LLC FOR DEVELOPMENT OF CROSS POINTE ADDITION; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

26. Approved a resolution authorizing City Staff to advertise a Request for Qualification (RFQ) for firms to provide professional services to perform a requested Engineering Designs and Studies on an as needed basis. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 367

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES FOR FIRMS TO PROVIDE ENGINEERING DESIGNS AND STUDIES ON AN AS-NEEDED BASIS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE PROFESSIONAL SERVICES AGREEMENTS FOR SAID SERVICES; AND PROVIDING THAT SAID AGREEMENTS SHALL NOT

BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL

27. Approved a resolution authorizing City Staff to renew the Water/Wastewater/FH Taps project with TEC Excavation, Inc. in the amount of \$500,000. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 368

RESOLUTION AUTHORIZING THE RENEWAL OF THE CONTRACT WITH TEC EXCAVATION, INC. FOR THE WATER, WASTEWATER AND FIRE HYDRANT TAPS PROJECT FOR ONE (1) ADDITIONAL SIX (6) MONTH TERM; AND APPROPRIATING \$500,000 THEREFOR

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

28. Approved a motion on a request by Schumann Engineering Company, Inc. for the Llano Estacado Addition - Section 3, to approve items requested for deferral and to waive the associated public improvement guarantee in the amount of \$\$ 369,153.00. The subject property is located between Avalon Drive and Golden Gate Road approximately 850' south of Mockingbird Lane. (ENGINEERING SERVICES)

Council Member Sparks moved to approve a motion on a request by Schumann Engineering Company, Inc. for the Llano Estacado Addition - Section 3, to approve items requested for deferral and to waive the associated public improvement guarantee in the amount of \$ 369,153.00. The subject property is located between Avalon Drive and Golden Gate Road approximately 850' south of Mockingbird Lane. ; seconded by Council Member Morales.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

Trost that seems like a lot listen 10:44. David orig deferral was 2009 same owner building house on property for financing reasons they have to replat. listen to all of this item end 10:45

29. Approved a motion for Country Sky Addition, to approve a blanket deferral agreement and to waive the associated public improvement guarantee. (ENGINEERING SERVICES)

trost same question, this was second mtg in oct last year that approved blanket deferral for counrty sky add. put term on 4 1 year. in counter later annexed rural atmosphere to develop paved to county standards all sewer septic and get plats from time to time in this are and bring deferral rec def of all public improvement develops keep paving same arleady water sewer on septic. proposed blanket def for whole area now want blnaket for whoel area.

Council Member Dufford moved to approve a motion for Country Sky Addition, to

approve a blanket deferral agreement and to waive the associated public improvement guarantee.; seconded by Council Member Trost.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

30. Consider a Resolution Authorizing a Right-of-Way Agreement and a Surface Damage Agreement with Vitol Midstream Pipeline LLC for the installation and maintenance of one (1) pipeline, not to exceed twelve (12) inches in diameter, for petroleum and petroleum by-products, located in Block 37, Sections 4, 9, 16, and 21, T3S, T&P Survey Co, Midland, TX. (ENGINEERING SERVICES)

RESOLUTION NO. 2013-371

RESOLUTION AUTHORIZING A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND VITOL MIDSTREAM PIPELINE LLC; SAID RIGHT-OF-WAY LICENSE IS FOR ENTERING THE CITY OF MIDLAND'S RIGHT-OF-WAY FOR THE PURPOSE OF PLACING, INSTALLING, CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND REMOVING ONE (1) PIPELINE, FOR THE TRANSPORTATION OF OIL AND GAS MATERIALS AND TO HAVE THE RIGHT OF INGRESS AND EGRESS AT CONVENIENT POINTS FOR SUCH PURPOSE; THE PIPELINE IS LOCATED WITHIN THE CITY OF MIDLAND RIGHT-OF-WAY, SECTIONS 4, 9, 16, AND 21, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; THE LICENSE TERM IS FOR TWENTY (20) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE AND SHALL AUTOMATICALLY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL TWENTY (20) YEAR TERM UPON 90 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

31. Approved a resolution authorizing the renewal of an Operating Certificate for Big John's Limousine Service. (POLICE)

RESOLUTION NO. 2013 - 369

RESOLUTION AUTHORIZING RENEWAL OF AN OPERATING CERTIFICATE FOR BIG JOHN'S LIMO SERVICE; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE.

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

32. Approved a resolution authorizing a Right-of-Way License for Dawson Geophysical Company near the Water Pollution Control Plant. (UTILITIES)

RESOLUTION NO. 2013 - 370

RESOLUTION AUTHORIZING THE EXECUTION OF A SIX-MONTH RIGHT OF WAY LICENSE WITH DAWSON GEOPHYSICAL COMPANY, FOR SEISMIC TESTING ACROSS CITY-OWNED PROPERTY IN BLOCK 38-1-S, SECTION 44, AND BLOCK 38-2-S, SECTIONS 4, 5, 8, 9 AND 10, MIDLAND COUNTY, TEXAS, NEAR THE WATER POLLUTION CONTROL PLANT

Council Member James moved to approve Consent Agenda items 5 - 32 excluding 11, 12, 13, 20, 28, 29; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

SECOND READINGS

33. Consider an ordinance on second reading on a request for the vacation of portions of rights-of-way being 0.703-acres of Baca Circle, 0.103-acres of Baca Street, 0.181-acres of Cerrillos Avenue, 0.57-acres of Cerrillos Court, 0.123-acres of Conquistador Court, 0.014-acres of Gallop Court, 0.002-acres of Guadalupe Street, 0.614-acres of Magellan Street, 0.409-acres of San Francisco Avenue, 0.079-acres of St. Michael Court and 1.301-acres of adjacent alleys, all contained within Adobe Meadows, Sections 1, 3, 4 and 5, City and County of Midland, Texas.(Generally located on the east side of State Hwy 349, north of east extension of Mockingbird Lane.) (DEVELOPMENT SERVICES) (First reading held September 24, 2013)

ORDINANCE NO. 9182

AN ORDINANCE VACATING AND ABANDONING A 0.703-ACRE PORTION OF BACA CIRCLE, A 0.103-ACRE PORTION OF BACA STREET, A 0.181-ACRE PORTION OF CERRILLOS AVENUE, A 0.57-ACRE PORTION OF CERRILLOS COURT, A 0.123-ACRE PORTION OF CONQUISTADOR COURT, A 0.014-ACRE PORTION OF GALLOP COURT, A 0.002-ACRE PORTION OF GUADALUPE STREET, A 0.614-ACRE PORTION OF MAGELLAN STREET, A 0.409-ACRE PORTION OF SAN FRANCISCO AVENUE, A 0.079-ACRE PORTION OF ST. MICHAEL COURT, AND A 1.301 ACRES OF ADJACENT ALLEYS, ALL OUT OF ADOBE MEADOWS, SECTIONS 1, 3, 4 AND 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 349, NORTH OF THE EAST EXTENSION OF MOCKINGBIRD LANE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$12,502.00; WAIVING THE FEE FOR THE COST OF THE RIGHT-OF-WAY; AND ORDERING RECORDATION BY THE CITY SECRETARY

sr rco

Council Member James moved to approve the second and final reading of Ordinance No. 9182 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Sparks want to make sure D.R. Horton know that Mr. Morales would be asking about hike and bike has graciously gave city 10 foot easement for pedestrian along Mockingbird. Want to make sure that by doing easement it will not slow down development at all. Jim compton don't believe it will. have final plat scheduled and simple manner of drawing line on mylar and labeling an easement. Eric west is good

with that. Sparks appreciate doing that.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

34. Consider an ordinance on second reading on a request by Bobby Hill / Grace Partnership LLC for a zone change from O-1, Office District to O-2, Office District on the east 1.612-acres of Lot 7, Block 3, Gateway Plaza, Section 2, City and County of Midland, Texas. (Generally located on the north side of Starboard Drive, approximately 350 feet east of South Tradewinds Boulevard.) (DEVELOPMENT SERVICES) (First reading held September 24, 2013)

ORDINANCE NO. 9184

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.612-ACRE PORTION OF LOT 7, BLOCK 3, GATEWAY PLAZA, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED O-1, OFFICE DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF STARBOARD DRIVE, APPROXIMATELY 350 FEET EAST OF SOUTH TRADEWINDS BOULEVARD); 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

sr rco

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9184 in accordance with the Charter of the City of Midland; seconded by Council Member James.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

35. Consider an ordinance on second reading on a request by North Financial Building Partners for a zone change from O-2, Office District to LR-2, Local Retail District on the north 0.938-acres of Lot 2, Block 2, Wallco Addition, Section 3, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of N. Big Spring Street and Veterans Airpark Lane.) (DEVELOPMENT SERVICES) (First reading held on September 24, 2013)

ORDINANCE NO. 9185

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 0.938-ACRE PORTION OF LOT 2, BLOCK 2, WALLCO ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED O-2, OFFICE DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND VETERANS AIRPARK LANE); 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

sr rco

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9185 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

36. Consider an ordinance on second reading on a request by Palio's Westbound, Inc. for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on 3,038 square feet portion of Lot 19A, Block 5, North Park, Section 16, City and County of Midland, Texas. (Generally located north side of W. Loop 250 North, approximately 750 feet west of Whitman Drive.) (DEVELOPMENT SERVICES) (First reading held on September 24, 2013)

ORDINANCE NO. 9186

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,038 SQUARE FOOT PORTION OF LOT 19A, BLOCK 5, NORTH PARK, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 750 FEET WEST OF WHITMAN DRIVE), 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

sr rco

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9186 in accordance with the Charter of the City of Midland; seconded by Council Member James.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

37. Consider an ordinance on second reading on a request by D. R. Horton / Texas Ltd. for a zone change from 2F, Two-Family Dwelling District on Lots 1 thru 11 and Lots 26 thru 28, Block 1, on Lots 1 thru 13, Block 2, Adobe Meadows, Section 1; and on Lots 10 thru 12, the west 0.109-acres of Lot 13, the west 2.967-acres of Tract "A", Block 8, Adobe Meadows, Section 3; to 1F-3, One-Family Dwelling District; and from 2F, Two-Family Dwelling District on Lots 5 thru 10, Block 9, Adobe Meadows, Section 4, to 1F-2, One-Family Dwelling District; and from PD, Planned District for a Housing Development on the east 0.058-acres of Lot 13, Lots 14 thru 16 and the east 4.057-acres of Tract "A", Block 8, Adobe Meadows, Section 3, City and County of Midland, Texas. (Generally located on the east side of State Hwy 349, north of east extension of Mockingbird Lane.)

(DEVELOPMENT SERVICES) (First reading held on September 24, 2013)

ORDINANCE NO. 9187

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1-11 AND LOTS 26-28, BLOCK 1, AND LOTS 1-13, BLOCK 2, ADOBE MEADOWS, SECTION 1, AND LOTS 10-12, THE WEST 0.109 ACRES OF LOT 13, AND THE WEST 2.967 ACRES OF TRACT "A", BLOCK 8, ADOBE MEADOWS, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 2F, TWO-FAMILY DWELLING DISTRICT, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT; BY PERMITTING LOTS 5-10, BLOCK 9, ADOBE MEADOWS, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 2F, TWO-FAMILY DWELLING DISTRICT, TO BE USED AS A 1F-2, ONE-FAMILY DWELLING DISTRICT; BY PERMITTING THE EAST 0.058 ACRES OF LOT 13, LOTS 14-16, AND THE EAST 4.057 ACRES OF TRACT "A", BLOCK 8, ADOBE MEADOWS, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT(GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 349, NORTH OF THE EAST EXTENSION OF MOCKINGBIRD LANE); 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

sr rco

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9187 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

Trost is that easement apply all same.

38. Consider an ordinance on second reading on a request by Sonoma Housing Advisors, LLC for a Site Plan Review on a 10.79-acre tract of land out of Section 1, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of S. Lamesa Road, approximately 1,000 feet north of E. Interstate Hwy 20.) (DEVELOPMENT SERVICES) (First reading held September 24, 2013)

ORDINANCE NO. 9188

AN ORDINANCE ADOPTING A SITE PLAN FOR A 10.79-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH LAMESA ROAD, APPROXIMATELY 1,000 FEET NORTH OF EAST INTERSTATE HIGHWAY 20); SUBJECT TO THE FOLLOWING CONDITIONS AND RESTRICTIONS; 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

sr rco

Council Member James moved to approve the second and final reading of Ordinance No. 9188 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

bill Fisher 5420 lbj #1200 Dallas, multi family affordable housing. some question about affordability. staff contacted if this was affordable. received \$3m from state combined with private develop funds for 156 unit targeted families 20% affordable. Other thing aware of is quite a few are specially equipped 18 of 32 affordable units for wounded warriors or family with special needs. Encourage council to continue interest in affordable housing.

James when did start app process for credits. Fisher it started with James didn't get credits and started process. several ways to skin cat getting an affordable component about 90% of what need to bring funds is cooperation. Need to pass reso or adopt a plan to ensure housing comes to Midland. Requires a little bit of match money. Local match from local government at 20/1 ratio.

council expressed general consensus that looking for more affordable housing. Trost on behalf of self, council district thanked him.

Tom Miller ex director 4311 Valley drive, spoke on behalf of dev who just spoke. org of family promise commend dev who move in this direction because of lack of affordable housing. help dev serves as role model for future developers.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

39. Consider an ordinance on second reading on a request by D. R. Horton for the vacation of drainage easements being a 2.40-acre tract and a 6.32-acre tract of land located within the dedicated rights-of-way of San Francisco Avenue, Rodeo Street, Magellan Street and Mockingbird Lane, all contained within Adobe Meadows, Sections 3 and 5, City and County of Midland, Texas. Generally located on the east side of State Hwy 349, north of east extension of Mockingbird Lane. (DEVELOPMENT SERVICES) (First reading held on September 24, 2013)

ORDINANCE NO. 9189

AN ORDINANCE VACATING AND ABANDONING A 2.40-ACRE DRAINAGE EASEMENT AND A 6.32-ACRE DRAINAGE EASEMENT WITHIN THE SAN FRANCISCO AVENUE, RODEO STREET, MAGELLAN STREET AND MOCKINGBIRD LANE RIGHTS-OF-WAY, ALL OUT OF ADOBE MEADOWS, SECTIONS 3 AND 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 349, NORTH OF THE EAST EXTENSION OF MOCKINGBIRD LANE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$29,589.00; WAIVING THE FEE FOR THE COST OF THE DRAINAGE EASEMENTS; AND ORDERING RECORDATION BY THE CITY SECRETARY

sr rco

Council Member Morales moved to approve the second and final reading of Ordinance No. 9189 in accordance with the Charter of the City of Midland; seconded by Council Member James.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

PUBLIC HEARINGS

40. At approximately 10:30 A.M. hold a public hearing and consider a City-Initiated proposal for a zone change on a request by City of Midland, from MH, Manufactured Home District on Lot 1A, Block 5, and Lots 2A – 5A, & 7A, Block 4, Bizzell-Kiser, Section 5; Lot 6B, Block 4, Bizzell-Kiser, Section 6; a 0.45-acre portion of Tract 4, Bizzell-Kiser; from MH, Manufactured Home District on Lots 10A – 16A, Block 7, Bizzell-Kiser, Section 5; a 0.145-acre portion of Tract 7, Bizzell-Kiser; and from 1F-3, One-Family Dwelling District on all of Block 3, Bizzell-Kiser, Sections 4 & 5; Lots 1A, 10A – 12A, Block 4, Bizzell-Kiser, Section 5; Lots 8B & 9B, Block 4, Bizzell-Kiser, Section 6; Lot 2A, Block 5, Bizzell-Kiser, Section 5; Lots 1A – 3A, 5A – 9A, 12A – 22A, Block 6, Bizzell-Kiser, Section 5; Lots 10A & 11A, Block 6, Bizzell-Kiser, Section 4; a 0.166-acre portion of Tract 6, Bizzell-Kiser; Lots 1A & 2A, Block 7, Bizzell-Kiser, (DEVELOPMENT SERVICES)

ORDINANCE NO. 9190

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 5, AND LOTS 2A-5A AND 7A, BLOCK 4, BIZZELL-KISER, SECTION 5, AND LOT 6B, BLOCK 4, BIZZELL-KISER, SECTION 6, AND A 0.45-ACRE PORTION OF TRACT 4, BIZZELL-KISER, AND LOTS 10A-16A, BLOCK 7, BIZZELL-KISER, SECTION 5, AND A 0.145-ACRE PORTION OF TRACT 7, BIZZELL-KISER, AND ALL OF BLOCK 3, BIZZELL-KISER, SECTIONS 4 AND 5, AND LOTS 1A, 10A-12A, BLOCK 4, BIZZELL-KISER, SECTION 5, AND LOTS 8B AND 9B, BLOCK 4, BIZZELL-KISER, SECTION 6, AND LOT 2A, BLOCK 5, BIZZELL-KISER, SECTION 5, AND LOTS 1A-3A, 5A-9A, 12A-22A, BLOCK 6, BIZZELL-KISER, SECTION 5, AND LOTS 10A AND 11A, BLOCK 6, BIZZELL-KISER, SECTION 4, AND A 0.166-ACRE PORTION OF TRACT 6, BIZZELL-KISER, AND LOTS 1A AND 2A, BLOCK 7, BIZZELL-KISER, SECTION 4, AND LOTS 3A-9A, BLOCK 7, BIZZELL-KISER, SECTION 5, AND A 0.656-ACRE PORTION OF TRACT 7, BIZZELL-KISER, AND LOTS 1A-4A, BLOCK 9, BIZZELL-KISER, SECTION 4, AND A 0.45-ACRE PORTION OF TRACT 9, BIZZELL-KISER, AND ALL OF BLOCK 10, BIZZELL-KISER, SECTION 4, AND LOTS 1A-7A, BLOCK 11, BIZZELL-KISER, SECTION 4, AND LOT 8A, BLOCK 11, BIZZELL-KISER, SECTION 5, AND A 0.87-ACRE PORTION OF TRACT 11, BIZZELL-KISER, AND ALL OF BLOCK 12, BIZZELL-KISER, SECTION 4, AND LOTS 1A-21A, BLOCK 13, BIZZELL-KISER, SECTION 7, AND LOTS 22B AND 23B, BLOCK 13, BIZZELL-KISER, SECTION 8, AND LOTS 1A-18A, BLOCK 14, BIZZELL-KISER, SECTION 4, AND A 0.18-ACRE PORTION OF TRACT 14, BIZZELL-KISER, AND BLOCKS 45 AND 46, BELMONT ADDITION, AND ALL ADJACENT AND PREVIOUSLY VACATED RIGHTS-OF-WAY, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED MH, MANUFACTURED HOME DWELLING DISTRICT, IN PART, AND 1F-3, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED SOUTH OF EAST GIST

AVENUE, BETWEEN SOUTH MAIN STREET AND SOUTH TERRELL STREET); 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

Int Palnning Div Manager Jim Compton somewhat familiar second time seen this summer first time July 9 when similar zone change presented and denied. Since then cont study area worked with Mr. Love and Morales amended by adding 5 additional conditions. Part of window pane area looking at 58 acres annexed in 2009. neighborhood clearly in need of assistance haven't seen any improvements or new development in area. Think without any time of long range goal not expecting to see additional dev. As proposal pd for housing dev objective is to ease dev standards and permit single family homes or mfgd homes to be built in neighborhood and secure necessary improvements. Lookin at improving min standards of mfgd homes. think changes added which are items 1-9 ins ect 2 of ord will still give council voersight on how deve will aoccur.

wp oph 11:08 a.m.

Max Cuellar, 400 E Longview, spoke in support of zone change. need something to get things moving again. came to halt when annexed and people want to upgrade mobile homes. Wes what will are look like in future. Max one thing is street widening. Since walmart and new dev north of walmart a lot mor einrease in traffic. in 3-4 years streets will need to be widened and more residential activity. Can see people improving any way they can afford to. Had several people ask him why couldn't improve and see that a good advantage to them. James you've been on topic for a while. in beginning concern about annex then went through process of annex then thought bad. now twekaing and changing and with Mayor is this a baby step or is this something that is going to kick star tindividual property owners to make improvements or do you think back in 3 years. Max don't see it being problem later on. think will open opportunity for people to do what they can without being too strict for area. if still in county would have many travel trailers like regulations but want to allow for upgrading.

Morales think good move area gotten cleaner, entrance to communtiy form south, expansion from economic standpoint. It's a cultural issue, fmailies that are established mahy will be there for 20-40 years and homes are passed from generation to generation. They want to improve their trailer/stick home. Trailer homes have facades that make them look better. Hope iwll continue to clean lots.

Love this neighborhood has unique problems and would of been challenge to find something to soslve all problems but step in right direction. By ho beingable to improve situation will encourage further development of area. Special thanks to staff and Mr. Thorpe for working on this area and thanked citizens and council members for revisiting issue think will help neighborhood.

Alisa Mendez/Nunez ? One of the ones opposed to annexing. Feel before it was people who wanted to stay and improve as financially able. A lot of people who came in and still problem especially with dogs still problem but part of annexed area that is supposed to be progressing.

Maria Rusby 2102 S Terrel, a lot of families grew up family has been there many years. Neighborhood needs update and feels proposal will help. It has been difficult to build a home as opposed to build new one. For this situation this proposal brings stability.

Rosa Risby 2104 S Terrel, lived there 31 years. Going house to house with proposal since annexation proposal. Convinced everybody that it was a good thing but then became a nightmare and hectic. This new proposal will bring stability and should help that can handle. Trees that are humongous city had something to remove and never seen it. With this think it will help get through transition issues and move forward. If waive fee would help a lot and thankful for what has already been done.

Rachel Stone 1902 N Pecos, thanked Love Morales for working with the area. She thinks it's a big step rather than baby step. Her mother still loves there and she goes out and looks, if could go out they do care, cultural thing but also economic thing. It's not standards of grasslands but a standard they can afford and a step in right direction.

cph 11:23 a.m.

sr rco

Council Member Love moved approval of the first of two readings of Ordinance No. 9190 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

Morales maybe in Jan or Feb might be time to have neighborhood mtg to see what everyone's thoughts are.

Sparks like what Ms. Risby said will give flexibility

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

41. At approximately 10:33 A.M. hold a public hearing and consider an ordinance ON APPEAL on a request by Kevin Leary for a zone change from PD, Planned District for a Recreation Center to a PD, Planned District for a Shopping Center, on Lot 1, Block 2, Grandridge Park Addition, Section 1, City and County of Midland, Texas. (Generally located near the northwest corner of the intersection of North Loop 250 West and Holiday Hill Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9191

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 2, GRANDRIDGE PARK ADDITION, SECTION 1, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A RECREATION CENTER, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED NEAR THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH LOOP 250 WEST AND HOLIDAY HILL ROAD); 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

Jim Compton had been for re-center building razed and proposal to rezone for shopping center. Believe appropriate location. On appeal after a vote by P&Z failed 3-3 vote. proposal is several retail building which again think is reasonable. Buildings oriented toward central courtyard. total 5 buildings 1 story in height. adequate access and parking. issue feel like precedent based on two buildings adjacent to league drive design of building faces interior about along league drive have rear of retail buildings backing toward public street. Rec to applicant get 6 foot tall masonry fence to screen and applicant declined. Instead use series of landscaping. Added architectural dressing in back but don't think went far enough. Applicant proposing to use trees and shrubs along League Drive. lack of good visual screen from park and league drive.

James said don't permit or try hard not to allow. Jim not expressly prohibited but try to prohibit. For example north WalMart masonry fence good set back. James only reason ask is softball fields and on other side is Lowe's that doesn't have screen there were pallets, semi open bags of peat moss. Jim that location is appropriate location for LR2 a store that sells building material supplies in normally in LR3 when Lowes wanted to move worked closely to develop PD to avoid outdoor storage. that is why on south and east side screen like wrought iron or vinyl coating fencing to help screen. There are certain exceptions where certain types of outdoor storage allowed seasonally.

James does academy have fence. Jim no fence but higher amount of screening. James practice but not a policy. Jim no legal requirement. James will staff bring recommendation to put in code. Wes Best Buy had screen fence, pines and mandatory construction of homes. James if practice and people are surprised then council needs to make it a rule otherwise send message that not development friendly.

Morales page 2 and 3 says require decorative screening. Trost CJ park is well used. Robert staff responsibility to get best product in front of P&Z. Development had a lot of money tied in back of fence. As a midlander the view more attractive without having plain fence at back of building. spending more money in dressing up back of building over building a fence.

wp oph 11:43 a.m.

Andrew Mellon 1909 W Wall, one point there is a walk through in central of building. all facing holiday hill is because most traffic. spoke with Jim and want upscale and walkthrough would allow people to walk through from park. James is parking part of calculation. Andrew parking will be used by patrons along league drive. Trost where are trash pick up. Andrew disbursed through site.

James asked about additional parking. Andrew in negotiation with Lowes because want to add another restaurant. Morales landscaping. Andrew every 30 feet grow about 10 feet tall take less water multiple trunks bloom during year. Love sometimes get into cookie cutter mode and appreciate development. Open space looks much better.

Robert Rendall, 550 W Texas, on behalf of party that will be leasing restaurant site. think open area much better more exposure the better. there's a lot of traffic in park and

cph 11:50 a.m.

sr rco

Council Member Morales moved approval of the first of two readings of Ordinance No. 9191 in accordance with the Charter of the City of Midland; seconded by Council Member James.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

Dufford don't change ordinance leave open ended so can amek decisions case by case.

42. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by Fortune Partners Properties for a zone change from LR-2, Local Retail District to PD, Planned District for a Shopping Center on Lot 1, Block 3, Lindsay Acres 2nd Section Addition, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Rankin Highway and East Stokes Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9192

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 3, LINDSAY ACRES 2ND SECTION ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED ON THE CORNER OF RANKIN HIGHWAY AND STOKES 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

Interim Planning Division Manager Jim Compton gave an overview of the item noting applicant wishes to build used car business. P&Z voted 6-0 staff reluctant to rec approval due to 1997 study initiated by property owners up and down rankin hwy to improve dev opportunities. Recognizing entryway to downtown adopted to LR2 district and have seen marked improvement of development along corridor. second reason reluctnat is difference between lr1 and lr2 shopping center appear at arterial lr1 smaller neighborhood lr2 for larger shopping. lr3 is old style strip development. types of uses rec vehiles mobile homes, motor homes new and used car sales. What have here is applicant proposing lr3 type use in lr2 location. rec a plan district subject to lr2 which will allow car sales. Only justification is whether site plan integrate lr2 use. P&Z felt it did and staff does not disagree.

Love owners that came to city rpreviously are they still same owners of surrounding property? Jim don't know suspect some change in owerhsip base don type of investment in shopping centers. Love thinks this development satisfies the spirit although it may be satisfy letter of law. Love what is located to north and south? Compton sparks north is chesapeake building south planned district shell building .

wp oph 12:00 noon

Robert Rendall, 550 W Texas Avenue, on behalf of fortune partners operate texas certified motors plan. Reason itnerested in location is becasue of access to i_20 do a lot of internet sales ease to get to. Thanked staff becasue doesn't fit boxes. It will stay LR2 if facility built and move to different location all can do is LR2 or this one specific use but has to comply with site plan. think will fit nicely with rest of neighborhood.

cph 12:02 p.m.

sr rco

Council Member Love moved approval of the first of two readings of Ordinance No. 9192 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, Sparks. NAY: None. ABSTAIN: None. ABSENT: James.

43. At approximately 10:39 A.M. hold a public hearing and consider an ordinance on a request by Chris Kawaja for a zone change from AE, Agriculture Estate District to 1F-1, One-Family Dwelling District on a 40.181-acre tract of land out of Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located between Golden Gate Drive and Avalon Drive, approximately 130 feet north of Gladiola Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9193

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 40.181-ACRE TRACT OF LAND OUT OF SECTION 23, BLOCK 40, 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 A 1F-1, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED BETWEEN GOLDEN GATE DRIVE AND AVALON DRIVE, APPROXIMATELY 130 FEET NORTH OF GLADIOLA 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

Jim Compton request to rezone property no muni sewer and min lot size for muni water is 1/2 acre. Lot size proposing consistent with other lot sizes. p&Z voted unanimously in favor.

wp oph 12:06 a.m. cph

sr rco

Council Member Trost moved approval of the first of two readings of Ordinance No. 9193 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

44. At approximately 10:42 A.M. hold a public hearing and consider an ordinance ON APPEAL on a request by Lamar Advertising / Sue Brannon for a Specific Use Permit with Term for an Electronic Billboard/Billboard Sign, on a 1.807-acre tract of land out of Section 5, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of West Loop 250 North, approximately 675 feet west of North Midkiff Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9194

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS 1.807-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 675 FEET WEST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; 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

Interim Planning Division Manager Jim Compton gave an overview of the item noting it was for a request to build a billboard on north side of Loop 250 near Midkiff. Sign max height of 30 feet sq footage of 392 square feet. two sided one side electronic other side static. west face will be electronic. Find app meets all code requirements. Is it appropriate location? 1978 P&Z adopted policy to give guidance on appropriate locations. If look at comprehensive plan rec prohibition of billboards on loop 250 and only allow on major thoroughfares that carry state traffic. only billboard is by bowling alley staff rec not approving but council approved. rec to P&Z was negative did not feel it met recommendations. P&Z voted to disapprove and presented on appeal.

sparks what is behind storage building. detention basin. James should Council approve, the memo says rec any approval subject to conditions contained in attached ord proposal. Is applicant okay with conditions in ordinance? Jim not sure. Love two issues digital and appropriate ness of location. The way marketing advertising radio, tv, newspaper declining but outdoor digital signage increased. Think that Council and staff need to take time and look at outdated sign ord especially if siting stuff back to 1978. James wasn't it in 2005 that Council updated sign ordinance, correct, Jim but did not include billboards. Also need permit from TxDot.

wp oph 12:16 p.m.

chris Stoke gen mgr lamar advertising 9100 W loope r250. Tried to put info in packets does have answers to question and letters of support from hispanic chamber, chamber and local retailers. asked mall for support and they asked to advertise there. Here for retail, sales tax revenue for city. Have chamber backing. Was involved in sign ord in 2001 when things came to be that city council and P&Z would be able to see if billboard were appropriate. Did not anticipate would be controversial. Surprised by P&Z

impression was defer to Council.

James conditions contained in ord if council approves you okay? Stokes yes operate 2 other electronic billboards can't scroll full animation. concerned about brightness and city put language in light sensor and they comply with. no complaints no issues.

Rachel Stone, 1902 N Pecos, called Diane with Lamar because had a problem finding billboards for mex tex. She mentioned trying to get this one installed one thing agree with love is two years ago advertised in Lubbock, Abilene, San Angelo Hobb on radio. Total went digital to see if it made a difference. It really did verses radio only. the radio started calling them so explained why more bang for buck going digital. This year had a lot of problems finding billboard locally because have people aren't normally from here and go out of town for weekend. hard to get billboards. Its needed if you want people to have events or stay on weekend.

cph 12:23 p.m.

sr rco

Council Member Love moved approval of the first of two readings of Ordinance No. 9194 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

MISCELLANEOUS

45. Consider an ordinance granting to Oncor Electric Delivery Company LLC, its successors and assigns, an electric power franchise to use the present and future streets, alleys, highways, public utility easements, public ways and public property of the City of Midland, Texas, providing for compensation therefor, providing for an effective date and a term of said franchise, providing for written acceptance of this franchise, providing for the repeal of all existing franchise ordinances to Oncor Electric Delivery Company LLC, its predecessors and assigns, and finding that the meeting at which this ordinance is passed is open to the public. (PURCHASING)

RESOLUTION NO. 9196

AN ORDINANCE GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND PUBLIC PROPERTY OF THE CITY OF MIDLAND, TEXAS, PROVIDING FOR COMPENSATION THEREFOR, PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE, PROVIDING FOR THE REPEAL OF ALL EXISTING FRANCHISE ORDINANCES TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS PREDECESSORS AND ASSIGNS, AND

FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC.

patrick started negotiation with Sue and Ron with Oncor. Very gracious in allow to send franchise from 4-5 pae doc to 15 pages. added several sections such as notice of major repair work by utility. right to inspect co facility. whenever reasonable to have repair as equally as before, allow interest to be paid on past due amoutns. if any other city neg hgiher rate ability to change modify to mimic exact ord and give city access to records, audit, repeal cuase and agreed to do as writeen.

love audit and access to records is new? Robert not spelled out had right but not spelled out.

sr rco

Council Member Love moved approval of the first of three readings of Ordinance No. 9196 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

James immediate reaction is great job making improvements, oncor great provider in community. Sense is average joe citizen could acre less about all of these things in there but do care about does lights come on when flip switch and why is street light out? could go to ph and explain agreement but will ask how it affects street light. Is ther esimply mroe affective way to make it happen seamlessly.

Sue Mercer 2401 W Industrial, there is a misconception. Did ask for numbers in 2012 had 893 street lights out out of 5-6000. can get real number when get back to real number. Have different requirements to repair lights. regular routine lights out is 5 days from date of report. Circuit series of lights is 15 days and a knock down is 30 days. on routine lights which is most requests were on time 97.76% of time. Many less than five days. Real issue is getting public to report lights. New street light outage recording system link on city website and oncor website. James second component of reporting is expectation expect to be reported next day. Sue when report given get incident number. there is an app for mobile phone. Alot of changes were practices already in place or amendments that have been made throughout the course of the previous franchise. If make agreement with one community spread over entire system.

Morales when cable companies come through neighborhood they put in line and patch lightly and leave wires hanging out in contracts can be more harsh and make sure repair to p revious condition.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

46. Consider an ordinance on a request for the vacation of a 0.025-acre portion of the alley adjacent to Lots 3 and 4, Block 17, 349 Ranch Estates, Section 3, City and County of Midland, Texas. (Generally located on the north side of Arapahoe Road, approximately 700 feet east of North State Highway 349.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9195

AN ORDINANCE VACATING AND ABANDONING A 0.025-ACRE PORTION OF ALLEY RIGHT-OF-WAY ADJACENT TO LOTS 3 AND 4, BLOCK 17, 349 RANCH ESTATES ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF ARAPAHOE ROAD, APPROXIMATELY 700 FEET EAST OF NORTH STATE HIGHWAY 349); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$1,091.00; WAIVING THE FEE FOR THE COST OF THE RIGHT-OF-WAY; AND ORDERING RECORDATION BY THE CITY SECRETARY

Jim Compton overview of item noting alley ends in dead end not permitted in zoning code. new plat will extend portion of alley to intersection north side of arapahoe rd. contracted utility companies no problem with vacation will not due second reading until submittal of final approval. staff rec approval.

sr rco

Council Member Morales moved approval of the first of two readings of Ordinance No. 9195 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, Dufford, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: None.

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

Dufford/Love reappointment of Lary diel abilene, elvin brownleww andrews permian basin airport board. and Becky Ferguson to P&Z 7-0.

James no app submit Becky Ferguson John Bergman todays 3/3 discussion want experience back. Ferguson agreed to return Bergman declined.

Jerry follow up Dallas Smith will continue to serve on airport board.

EXECUTIVE SESSION

no executive adjourn to lunch at 12:48 p.m.

48. 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:

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

PASSED AND APPROVED the ____ day of _____, ____.

W. Wesley Perry, Mayor

ATTEST:

Amy M. Turner, City Secretary