MIDLAND CITY COUNCIL
MINUTES
October 20, 2015

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ___ a.m. on October 20, 2015.

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

Council Members absent: None.

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

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at ___ a.m., October 20, 2015.

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

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

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:03

1. Invocation - Reverend Pat Bryant, Travis Baptist Church

2. Pledge of Allegiance

PRESENTATIONS

Mayor Morales recognized Ryan McDaniel Boy Scout 10:04 a.m.

Mayor Presented proclamation of Municipal Courts Week to Judge Hatton and Associate Judge Tim Meek.

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

   a. Presentation of proclamation proclaiming November 2-6 2015 as Municipal Court's Week.

PUBLIC COMMENT

None.

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

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 5 - 21 excluding 21; seconded by Council Member Sparks.

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

5. Approved a motion approving the following minutes:

   a. Regular Meeting of October 6, 2015.

6. Approved a resolution approving specifications and authorizing advertisement for bids for twenty-two (22) police vehicles for the Garage Division. (PURCHASING)

RESOLUTION NO. 2015 - 338

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR TWENTY-TWO POLICE VEHICLES FOR THE GARAGE DIVISION

7. Approved a resolution approving specifications and authorizing advertisement for bids

for three (3) heavy duty tandem axle cab and chassis' for the Garage Division. (PURCHASING)

RESOLUTION NO. 2015 - 339

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THREE HEAVY DUTY TANDEM AXLE CAB AND CHASSIS FOR THE GARAGE DIVISION

8. Approved a resolution approving the purchase of one (1) automated refuse cart truck from Rush Truck Center El Paso through Buyboard contract 430-13 for a total cost of $273,196.00. (PURCHASING)

RESOLUTION NO. 2015 - 340

RESOLUTION APPROVING THE PURCHASE OF ONE AUTOMATED CART REFUSE TRUCK FROM RUSH TRUCK CENTER EL PASO AT A TOTAL COST OF $273,196.00

9. Approved a resolution awarding a contract to the sole bidder, Lamesa Irrigation Company, for three (3) pivot irrigation systems and parts for the Spraberry Farm. (PURCHASING)

RESOLUTION NO. 2015 - 341

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE AND INSTALLATION OF THREE PIVOT IRRIGATION SYSTEMS AND PARTS FOR USE AT THE SPRABERRY FARM TO THE SOLE BIDDER, LAMESA IRRIGATION COMPANY, OF LAMESA, TEXAS, AT A TOTAL COST OF $235,380.14

10. Approved a resolution approving the purchase of four (4) complete new side wheel roll irrigation systems with 5/32" nozzles; ten (10) 5" x 20' side wheel roll torque side wheel roll pipes complete with sprinkler, risers and levelers; twenty (20) 5" x 40' standard side wheel roll pipes complete with wheel, sprinkler, risers and levelers from the sole bidder, Mesa Irrigation Company, for the Spraberry Farm. (PURCHASING)

RESOLUTION NO. 2015 - 342

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE AND INSTALLATION OF FOUR COMPLETE NEW SIDE WHEEL ROLL IRRIGATION SYSTEMS WITH 5/32" NOZZLES, TEN 5" X 20' SIDE WHEEL ROLL TORQUE SIDE WHEEL ROLL PIPES COMPLETE WITH SPRINKLER, RISERS AND LEVELERS, AND TWENTY 5" X 40' STANDARD SIDE WHEEL ROLL PIPES COMPLETE WITH WHEEL, SPRINKLER, RISERS AND LEVELERS FOR USE AT THE SPRABERRY FARM TO THE SOLE BIDDER, MESA IRRIGATION COMPANY, OF LAMESA, TEXAS, AT A TOTAL COST OF $76,996.00

11. Approved a resolution approving the purchase of one (1) Toro Reelmaster 5510 from Professional Turf Products through Buyboard contract 447-14 for a total cost of $51,181.61. (PURCHASING)

RESOLUTION NO. 2015 - 343

RESOLUTION APPROVING THE PURCHASE OF ONE TORO REELMASTER 5510 FROM PROFESSIONAL TURF PRODUCTS, LP, AT A TOTAL COST OF $51,181.61

12. Approved a motion authorizing the execution of Car Rental Terminal Concession Agreements at Midland International Air & Space Port between The Hertz Corporation; The Hertz Corporation d/b/a Dollar Rent A Car and Thrifty Car Rental; EAN Holdings, LLC d/b/a Enterprise Rent-A-Car; EAN Holdings, LLC d/b/a National Car Rental and Alamo Rent A Car; Avis Rent A Car System, LLC; Avis Budget Car Rental, LLC (ABCR); and the City of Midland, Texas. (AIRPORTS)

13. Approved a motion ratifying and approving the City Manager's execution on behalf of the City of Midland the Texas Department of Transportation Airport Project Participation Agreement Amendment No. 1. (AIRPORTS)

14. Approved a resolution approving the issuance of a permit to High Sky Partners LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Mask Hz Unit No 1033MS) located 275 feet from the north line and 1,140 feet from the east line located in Section 10, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas. (Generally located 1,140 feet west of North A Street extension and approximately 1,754 feet north of Silverton Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 344

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 275 FEET FROM THE NORTH LINE AND 1,140 FEET FROM THE EAST LINE, SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,140 FEET WEST OF NORTH A STREET EXTENSION AND APPROXIMATELY 1,754 FEET NORTH OF SILVERTON DRIVE)

15. Approved a resolution approving the issuance of a permit to High Sky Partners LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Mask Hz Unit No 1034WB) located 275 feet from the north line and 1,090 feet from the east line located in Section 10, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas. (Generally located 1,090 feet west of North A Street extension and approximately 1,754 feet north of Silverton Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 345

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 275 FEET FROM THE NORTH LINE AND 1,090 FEET FROM THE EAST LINE, SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,090 FEET WEST OF NORTH A STREET EXTENSION AND APPROXIMATELY 1,754 FEET NORTH OF SILVERTON DRIVE)

16. Approved a resolution approving the issuance of a permit to High Sky Partners LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Mask Hz Unit No 1031WA) located 275 feet from the north line and 1,240 feet from the east line located in Section 10, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas. (Generally located 1,240 feet west of North A Street extension and approximately 1,754 feet north of Silverton Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 346

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 275 FEET FROM THE NORTH LINE AND 1,240 FEET FROM THE EAST LINE, SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,240 FEET WEST OF NORTH A STREET EXTENSION AND APPROXIMATELY 1,754 FEET NORTH OF SILVERTON DRIVE)

17. Approved a resolution approving the issuance of a permit to High Sky Partners LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Mask Hz Unit No 1032LS) located 275 feet from the north line and 1,190 feet from the east line located in Section 10, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas. (Generally located 1,190 feet west of North A Street extension and approximately 1,754 feet north of Silverton Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 347

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 275 FEET FROM THE NORTH LINE AND 1,190 FEET FROM THE EAST LINE, SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,190 FEET WEST OF NORTH A STREET EXTENSION AND APPROXIMATELY 1,754 FEET NORTH OF SILVERTON DRIVE)

18. Approved a resolution granting a non-exclusive access easement on City of Midland property, located in Section 5, Block X, H.P. Hilliard Surveys, and west of Midkiff Road, for the purpose of constructing and maintaining paved public improvements; authorizing the execution of said Non-Exclusive Access Easement; and ordering recordation by the City Secretary. (City of Midland, Midland County) (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 348

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, AN INSTRUMENT GRANTING AN APPROXIMATE 5,999-SQUARE FOOT NON-EXCLUSIVE ACCESS EASEMENT LOCATED IN SECTION 5, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, TO KENT DISTRIBUTORS INCORPORATED

19. Approved a resolution authorizing the execution of a Public Improvement Development Agreement between the City of Midland and Olivia Management LLC in the amount of $55,500 for the purpose of constructing a public water main to serve Indian Acres Addition; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 349

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH OLIVIA MANAGEMENT, LLC FOR DEVELOPMENT OF INDIAN ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF INTERSTATE HIGHWAY 20 AND LAMESA ROAD); AND ALLOCATING FUNDS IN

THE AMOUNT OF $55,500.00 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

20. Approved a resolution authorizing the collection of pro rata fees pursuant to 11-6-6, Midland City Code, for certain water improvements installed in IH 20 and Lamesa Road, to reimburse developer for said improvements; Olivia Management LLC shall construct a 12 inch water line to serve Indian Acres, City of Midland, Texas; the cost of the City participation shall be $55,500; the Developer's share of the cost is $129,502. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 350

RESOLUTION AUTHORIZING THE COLLECTION OF PRO RATA FEES PURSUANT TO SECTION 11-6-6 OF THE MIDLAND CITY CODE TO REIMBURSE OLIVIA MANAGEMENT, LLC ("DEVELOPER") FOR THE INSTALLATION OF A 12-INCH WATER MAIN TO SERVICE INDIAN ACRES ADDITION; THE COST OF THE CITY PARTICIPATION SHALL BE $55,500.00; AND DEVELOPER'S SHARE OF THE COST IS $129,501.40

21. Approved a resolution authorizing the City Manager to negotiate and acquire any Right-of-Way or Easement necessary for public use along Fairgrounds Road extending south approximately 1.5 miles from Loop 250 to Pecan Avenue. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 351

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, ANY REAL PROPERTY INTERESTS NECESSARY OR APPROPRIATE, BY ANY INSTRUMENTS OF CONVEYANCE NECESSARY OR APPROPRIATE, FOR THE USE AND BENEFIT OF THE PUBLIC FOR STREET, ROAD, PEDESTRIAN ACCESS, DRAINAGE AND PUBLIC UTILITY PURPOSES, AND FOR ANY OTHER ANCILLARY PUBLIC USE AS IS USUAL AND CUSTOMARY IN CONNECTION THEREWITH, FROM THE INTERSECTION OF FAIRGROUNDS ROAD AND LOOP 250 TO THE INTERSECTION OF FAIRGROUNDS ROAD AND PECAN AVENUE; AUTHORIZING THE CITY MANAGER TO OBTAIN APPRAISALS, NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS, PURCHASE TITLE INSURANCE POLICIES AND HOLD THE CLOSINGS FOR SAID ACQUISITIONS; AUTHORIZING PAYMENT FOR SAID REAL PROPERTY INTERESTS, APPRAISALS, TITLE INSURANCE POLICIES AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, ALL INSTRUMENTS OF CONVEYANCE

Lacy pulled is it ccustomary to award rroww aafter bid. ortiz allowed consultant firm to start runway process one thing didn't realizeneeded to get Council approval. Had auth to move forward but not auth to provide funds. Lacy future get row before start awarding conracts continuess to delaay. gives false hope. and ontths out from beginning construction. ortiz agreed.

Council Member Lacy moved to adopt Resolution No. 2015 - 351; seconded by Council Member Dufford.

Lacy now have re specialisst to help.

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

SECOND READINGS

22. Consider an ordinance on second reading on a request by Lamar Advertising for a Specific Use Permit with Term, for an Electronic Billboard, on Lot 4, Block 16, Kelview Heights, City and County of Midland, Texas. (Generally Located on the west side of N. Big Spring Street, approximately 120-feet north of Alta Avenue). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9489

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 4, BLOCK 16, KELVIEW HEIGHTS, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 120 FEET NORTH OF ALTA AVENUE), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR AN ELECTRONIC BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; REPEALING ORDINANCE NO. 9372; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Deputy City SEcretary SueAnn Reyes read the caption of ORdinance No.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9489 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

The motion carried by the following vote: AYE: Love, Sparks, Dufford, Lacy. NAY: Hotchkiss. ABSTAIN: Morales. ABSENT: Robnett.

23. Consider an ordinance on second reading adopting the 2015 International Building Code, with amendments; as the Building Code of the City of Midland. (DEVELOPMENT SERVICES) (First reading held on October 6, 2015)

ORDINANCE NO. 9490

AN ORDINANCE AMENDING TITLE IV, “BUILDING REGULATIONS”, CHAPTER 1, “BUILDING CODE”, OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2015 INTERNATIONAL BUILDING CODE AS THE BUILDING CODE OF THE CITY OF MIDLAND, TEXAS, FOR THE PURPOSE OF REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, EQUIPMENT, USE AND OCCUPANCY, LOCATION, MAINTENANCE, REMOVAL AND DEMOLITION OF BUILDINGS AND STRUCTURES OR ANY APPURTENANCE CONNECTED OR ATTACHED TO SUCH BUILDING OR STRUCTURE; PROVIDING FOR THE INSPECTION OF SAID BUILDINGS OR STRUCTURES, PROVIDING FOR THE ISSUANCE OF PERMITS

FOR THE CONSTRUCTION, ALTERATION, REPAIR, EQUIPMENT, USE AND OCCUPANCY, REMOVAL AND DEMOLITION OF SAID BUILDINGS OR STRUCTURES AND COLLECTION OF INSPECTION FEES THEREFOR; ESTABLISHING MINIMUM FLOOR ELEVATIONS FOR CERTAIN STRUCTURES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM FINE OR PENALTY OF TWO THOUSAND ($2,000.00) DOLLARS; AND ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2016; AND ORDERING PUBLICATION

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

Council Member Love moved to approve the second and final reading of Ordinance No. 9490 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

24. Consider an ordinance on second reading adopting the 2014 National Electrical Code, with amendments; as the electrical code of the City of Midland. (DEVELOPMENT SERVICES) (First reading held on October 6, 2015)

ORDINANCE NO. 9491

AN ORDINANCE AMENDING TITLE IV, “BUILDING REGULATIONS”, CHAPTER 2, “ELECTRICAL CODE”, OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2014 NATIONAL ELECTRICAL CODE, SO AS TO MAKE A COMPREHENSIVE REVISION OF THE ELECTRICAL CODE OF THE CITY OF MIDLAND, TEXAS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2016; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9491.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9491 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

25. Consider an ordinance on second reading adopting the 2015 International Plumbing Code, with amendments; as the plumbing code of the City of Midland. (DEVELOPMENT SERVICES) (First reading held on October 6, 2015)

ORDINANCE NO. 9492

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 3, "PLUMBING CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2015 INTERNATIONAL PLUMBING CODE AS THE PLUMBING CODE OF THE CITY OF MIDLAND FOR THE PURPOSE OF REGULATING THE INSTALLATION, ALTERATION, AND MAINTENANCE OF ALL PIPING AND

PLUMBING WITHIN THE CORPORATE LIMITS OF THE CITY OF MIDLAND; PROVIDING FOR THE INSPECTION OF SAID PIPING AND PLUMBING; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE INSTALLATION OF SAID PIPING AND THE COLLECTION OF INSPECTION FEES THEREFOR; PROVIDING FOR THE BONDING OF PERSONS ENGAGED IN THE BUSINESS OF INSTALLING, REPAIRING AND MAINTAINING SAID PIPING OR PLUMBING; PROVIDING FOR APPEALS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2016; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9492.

Council Member Love moved to approve the second and final reading of Ordinance No. 9492 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

26. Consider an ordinance on second reading adopting the 2015 International Fuel Gas Code, with amendments; as the gas code of the City of Midland. (DEVELOPMENT SERVICES) (First reading held on October 6, 2015)

ORDINANCE NO. 9493

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 4, "GAS CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2015 INTERNATIONAL FUEL GAS CODE AS THE GAS CODE OF THE CITY OF MIDLAND; PROVIDING MINIMUM STANDARDS, PROVISIONS AND REQUIREMENTS FOR GAS PIPING AND APPLIANCES; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE INSTALLATION OF SAID PIPING AND APPLIANCES AND THE COLLECTION OF INSPECTION FEES THEREFOR; PROVIDING FOR BONDING OF PERSONS ENGAGED IN THE BUSINESS OF INSTALLING, REPAIRING AND MAINTAINING SAID PIPING AND APPLIANCES; REGULATING USE OF EXISTING PIPING AND APPLIANCES; PROVIDING FOR CERTIFICATES OF APPROVAL FOR PIPING WORK; PROVIDING FOR APPEALS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2016; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9493.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9493 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

27. Consider an ordinance on second reading adopting the 2015 International Mechanical Code, with amendments; as the mechanical code of the City of Midland. (DEVELOPMENT SERVICES) (First reading held on October 6, 2015)

ORDINANCE NO. 9494

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 10, "MECHANICAL CODE", OF THE CITY CODE OF MIDLAND, TEXAS, AND ADOPTING THE 2015 INTERNATIONAL MECHANICAL CODE AS THE MECHANICAL CODE OF THE CITY OF MIDLAND FOR THE PURPOSE OF PROVIDING MINIMUM STANDARDS, PROVISIONS AND REQUIREMENTS FOR SAFE INSTALLATION AND MAINTENANCE OF MECHANICAL SYSTEMS WITHIN THE CORPORATE LIMITS OF THE CITY OF MIDLAND, TEXAS; PROVIDING FOR THE INSPECTION OF SAID MECHANICAL SYSTEMS; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE INSTALLATION OF SAID MECHANICAL SYSTEMS AND THE COLLECTION OF INSPECTION FEES THEREFOR; PROVIDING FOR APPEALS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2016; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9494.

Council Member Love moved to approve the second and final reading of Ordinance No. 9494 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

28. Consider an ordinance on second reading adopting the 2015 International Residential Code, with amendments; as the residential code of the City of Midland. (DEVELOPMENT SERVICES) (First reading held on October 6, 2015)

ORDINANCE NO. 9495

AN ORDINANCE AMENDING TITLE IV, “BUILDING REGULATIONS”, CHAPTER 11, “RESIDENTIAL CODE”, OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2015 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, AS THE RESIDENTIAL BUILDING CODE FOR THE CITY OF MIDLAND, TEXAS, FOR THE PURPOSE OF REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF ONE-AND TWO-FAMILY DWELLINGS AND TOWNHOUSES IN THE CITY OF MIDLAND, TEXAS, PROVIDING FOR THE ISSUANCE OF PERMITS, THE REVIEW OF PLANS, THE INSPECTION OF FOOTINGS AND FOUNDATIONS AND FRAMING, THE COLLECTION OF INSPECTION FEES THEREFOR; PROVIDING FOR APPEALS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2016; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9495.

Council Member Love moved to approve the second and final reading of Ordinance No. 9495 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

29. Consider an ordinance on second reading adopting the 2015 International Energy Efficiency Code, with amendments; as the energy code of the City of Midland. (DEVELOPMENT SERVICES) (First reading held on October 6, 2015)

ORDINANCE NO. 9496

AN ORDINANCE AMENDING TITLE IV, “BUILDING REGULATIONS”, CHAPTER 12, “ENERGY CODE”, OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2015 INTERNATIONAL ENERGY CONSERVATION CODE AS THE ENERGY CODE FOR THE CITY OF MIDLAND, TEXAS, FOR THE PURPOSE OF REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF THE BUILDING ENVELOPE, MECHANICAL, LIGHTING AND POWER SYSTEMS; ADOPTING LOCAL AMENDMENTS; PROVIDING FOR APPEALS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2016; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9496.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9496 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

30. Consider an ordinance on second Amending Title II, "Commissions and Boards", Chapter 1, "Planning and Zoning Commission", of the City Code of Midland, Texas. (CITY ATTORNEY'S OFFICE) (First reading held on October 6, 2015)

ORDINANCE NO. 9497

AN ORDINANCE AMENDING TITLE II, “COMMISSIONS AND BOARDS”, CHAPTER 1, “PLANNING AND ZONING COMMISSION”, OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS; PROVIDING FOR THE APPOINTMENT OF SEVEN MEMBERS AND A MAXIMUM OF TWO ALTERNATE MEMBERS OF THE CITY PLANNING AND ZONING COMMISSION (THE “COMMISSION”); ESTABLISHING THE QUALIFICATIONS OF MEMBERS AND ALTERNATE MEMBERS OF THE COMMISSION; ESTABLISHING THE TERMS OF APPOINTMENT OF MEMBERS AND ALTERNATE MEMBERS OF THE COMMISSION; PROVIDING THAT FOUR

MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9497.

Council Member Love moved to approve the second and final reading of Ordinance No. 9497 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

PUBLIC HEARINGS

31. Hold a public hearing and consider an ordinance on a request by Hawtex Limited Partnership for a zone change from PD, Planned District for a Transition District, to LR-3, Local Retail District, on Lot 1A, Block 7, Claydesta Plaza, Section 3, City and County of Midland, Texas. (Generally located on the north side of West Wadley Avenue, approximately 240-feet west of Desta Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9498

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 7, CLAYDESTA PLAZA, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT, TO BE USED AS AN LR-3, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 240 FEET WEST OF DESTA 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

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9498.

Development Services Director Chuck Harrington gave a brief overview of the item noting request for restaurant Dickies. Orig trans disstrict est in 1996 asked to go to standards zoning of lr3 which is in compliance wiith plan p7z rrec approval no loj received.

Mayor will it look like other - chuck haven't seen. htochkiss shared parking, chuck yes whole lot. Love underlyiing zooniing chuck o-2. justification for change. Chucklooked at existing uuses, Mr. Gatty Texas Burger tthat have that type oof use. Love no conceern for spot zoning? Chuck no because all Planned District. LR2 to west go too what would accomodate uses that aare seeing here. Lacy part of 3 year zoning study. Morales beginning to make shift to transition to new zoning to fit old and new. Love that entire area iis appropraitee for LR3 aandt hat is what transitioning to. Chuck everything to east yes. Lacy Texas Burger and Mr. Gatty at location so approppriate for that area. Love but it potentially opens up for ottheer uses. Chuck understand what sayiing but one of thsoe thiingss that districts allows a multitude oof uses and evenentually it will be refined down. trying to attune to use trying tos ee in location. Love no problem with rest

but is concern aboout other potential uses. LR2 and LR3 few more uses that include retail uses worse can think of is auto sales. Love feel more comfortable making in lr2. Sjparks if wanting this to be restaurant district it makes more sense. entertain ameendment to change.

Mayor Morales opened the public hearing at 10:27 a.m.

George Thorley 521 N. Texas. Odess, when fiirst encountered issued discussed. staff requested to submit for LR3 for this zone. Lacy would LR2 hindeer. George don't think so. When anticipate constructioon. Georgee still ahve plat pending for lot configuration for Dicckies BBQ. Don't anticipaate company getting cold feet. yes. Morales purcchase or leasease. George undersstands purchase.

There being no one else wishing to speak, the public hearing was closed at 10:29 a.m.

Sparks any restaruaant approp for lr2. yes any hgt dif betwween llr2 and lr3. no.

Council Member Love moved approval of the first of two readings of Ordinance No. 9498 in accordance with the Charter of the City of Midland with amendment to LR2; seconded by Council Member Lacy.

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

32. Hold a public hearing and consider an ordinance on a request by AMF Bowling Centers, Inc. for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bowling center, on Lot 1, Block 41, Fairmont Park Addition, Section 2, City and County of Midland, Texas. (Generally located northeast of the intersection of W. Loop 250 North and Holiday Hill Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9499

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 41, FAIRMONT PARK ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST LOOP 250 NORTH AND HOLIDAY HILL 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 THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BOWLING CENTER FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9499.

Development Services Director Chuck Harrington gave a brief overview of the item noting request made for Bowlero bowling center adjacent to Loop 250. Currently have SUP restricted to bar area with renovations have biggeer bar area amend sup to incclude full site. No issues there. hours mon sat 9-2 sund 12-2. s taff rec approval

along with p7z no loj. Lacy serving area restricted to bar area can take it bowling lane. Spparks this is current hours. size and space only.

Mayor Morales opened the public hearing at at 10:32 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9499 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

33. Hold a public hearing and consider an ordinance on request by Justin Brooks for a zone change from PD, Planned District for a Recreational Center, to O-1, Office District, on Lot 1, Block 11, Kimber Lea Addition, Section 11, City and County of Midland, Texas. (Generally located northeast of the intersection of Midkiff Road and Maxwell Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9500

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 11, KIMBER LEA ADDITION, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A RECREATION CENTER, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF MIDKIFF ROAD AND MAXWELL 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

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9500.

Development Services Director Chuck Harrington gave a brief oveerview of the item noting in process of selling to individual who wishes to locate more offices. Requested be allowed to go to O-1 Office District. PRoposing to build single story to look uniform with area. Sparks O-1 could go 2 sories but applicant one sttor testified at p7z. most restrict of office.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9500 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

MISCELLANEOUS

34. Approved a motion on request by West Company of Midland, Inc. to defer public improvements for OMG Addition, and to waive the corresponding financial security guarantee valued at $4.47 million, an amount equal to the estimated cost of construction. The subject property is generally located on the northwest corner of the intersection of Farm to Market Road 715 and East County Road 140, approximately 3 miles south of the City of Midland corporate limits in the ETJ, Midland County, Texas. (ENGINEERING SERVICES)

Assistant Eng? Jeff Cohen gave a brief overview noting deferral request for large tract south of Midland located in Midland County Utility District. They are proposinng to do paving of internal roads all perieter roads are already paved to County standards. asking for deferral of paving and waateer and sewer. Lacy any concern about access for emergency seervice personnel. Jeff o surrounding roads aalready paved.

Council Member Love moved to approve a motion on request by West Company of Midland, Inc. to defer public improvements for OMG Addition, and to waive the corresponding financial security guarantee valued at $4.47 million, an amount equal to the estimated cost of construction. The subject property is generally located on the northwest corner of the intersection of Farm to Market Road 715 and East County Road 140, approximately 3 miles south of the City of Midland corporate limits in the ETJ, Midland County, Texas.; seconded by Council Member Lacy.

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

35. Approved a motion on request by Maverick Engineering, LLC to defer public improvements for Ruckus Addition, and to waive the corresponding financial security guarantee valued at $240,944.00, an amount equal to the estimated cost of construction. The subject property is generally located on the southeast corner of the intersection of East Loop 250 North and Fairgrounds Road, in the City and County of Midland, Texas. (ENGINEERING SERVICES)

Assiist Eng Jeff Cohen gave a brief overview of the item noting agaain another deferal int he City. This is defeeral simply for utillities. There are no plans in Engineering don't see need for extnesion of util up fairgrounds road. Lacy expansioon of City but Fairgrounds roadd north of loop is high point well seerved on north end.I Plans in door for ext alongnorth side of loop for water and sewer. Since fairgrounds hgih point it can't capature ssewage and brring south of loop. RRelaly not alot with Hogan Park a big need for extending utilliteis up this far. Morales can capture exteensive cost to move waste? Jeff the current proposal approved Eng drawwiing ext Lames up to Cynthia and its steep. Lacy ext can't be put in to serve south of loop. Jeff like to avoid pump stations if can.

Hotchkiss mmechanism if wish to tie. Reserving right to reveiw deferal if lan is subidivded.

Love in support of this. Been visiting with Maverick Engineeering think going to work well with fairgroudns expansion and development of east side.

Council Member Love moved to approve a motion on request by Maverick Engineering, LLC to defer public improvements for Ruckus Addition, and to waive the corresponding

financial security guarantee valued at $240,944.00, an amount equal to the estimated cost of construction. The subject property is generally located on the southeast corner of the intersection of East Loop 250 North and Fairgrounds Road, in the City and County of Midland, Texas.; seconded by Council Member Lacy.

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

36. 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. 9501

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

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9501.

Council Member Love moved approval of the first of two readings of Ordinance No. 9501 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

traffic first of 3 trafficc items try to keeep updated. adding sotp signs forr new streets oor where previosulynot 17 itnersections for yyeild signs tto stop signs.

Love conversaation about gentleman form yield to stop. HIs sson came and said exact same thing wanted to let know. Mike looked at location speeds higher looked at neighborhood. IN keeping with what see in City. Love tthey put a sstop sign where previoously yeild sign what happeniing iss nieghborhood realizes stop sign iss there so run otther intersection because think pperson haas to stop.. Speeds of traffic on stop have increased because expect side street more likely to stop under yeild coontrol. New complainht on them. think stop sign better saffety measure will encourage more people come to complete stop.

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

37. Consider an ordinance establishing yield right-of-way signs 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. 9502

AN ORDINANCE ESTABLISHING YIELD RIGHT-OF-WAY SIGNS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; REQUIRING AND AUTHORIZING THE POSTING OF APPROPRIATE SIGNS AT SAID INTERSECTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS ($200.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9502.

Mike Pacelli gave a brief overview noting yeild ssign ord goes along with stop sign deleting 17

Council Member Love moved approval of the first of two readings of Ordinance No. 9502 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Hotchkisss excited removed sotp sign from Golf Course to Middkiff now its a yield maakes more sense. Miek consistent wtih practice to require yield for free right turn.

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

38. Consider an ordinance amending Title X, “Traffic Regulations”, Chapter Four, “Traffic Control Devices”, Section 11, “School Zones and Crossings”, of the Midland City Code, so as to designate each school zone and school crossing within the City and regulate the speed and movement of traffic therein; authorizing and directing the Traffic Engineer to install appropriate signs and markings; repealing Ordinance No. 9473; 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. 9503

AN ORDINANCE AMENDING TITLE X, “TRAFFIC REGULATIONS”, CHAPTER FOUR, “TRAFFIC CONTROL DEVICES”, SECTION 11, “SCHOOL ZONES AND CROSSINGS”, OF THE MIDLAND CITY CODE, SO AS TO DESIGNATE EACH SCHOOL ZONE AND SCHOOL CROSSING WITHIN THE CITY AND REGULATE THE SPEED AND MOVEMENT OF TRAFFIC THEREIN; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 9473; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS ($200.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9503.

Traffic Engineeer Mike Pacelli gave a brrief overview noting school zone ord updated several tiems as school year started because of changes in elem schol zone boundaries. Use too have school zone on Lamesa at Spruce aat several yeaars having no corssing removedd. NO zones crossd Lamesa at location. With changess this year there is now a crossing between SScarbaurer and Wdley rec installing corssing and reduce speed limit at Dormard on north side. Once in talk with schoola bout getting

notices to school to congregate at that loocatioon. At that point look at if need guard or not.

Council Member Love moved approval of the first of two readings of Ordinance No. 9503 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

Love much neededd. Thaks for removing Lamesa south of RR tracks improved traffic flow.

39. Approved a resolution awarding a contract to the sole bidder, Jones Brothers Dirt and Paving Contractors, Inc., for construction of paving and drainage improvements on Briarwood Avenue from Avalon Drive to Holiday Hill Road. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 352

RESOLUTION AWARDING A CONTRACT FOR THE BRIARWOOD AVENUE PAVING AND DRAINAGE PROJECT TO THE SOLE BIDDER, JONES BROS. DIRT AND PAVING CONTRACTORS, INC. OF ODESSA, TEXAS; AUTHORIZING THE CITY MANAGER TO APPROVE AND EXECUTE CHANGE ORDERS THAT DO NOT INVOLVE AN INCREASE OF THE TOTAL CONTRACT PRICE; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

Engineering Services Director Jose Ortiz gave a brief oveerview of teh item noting . laacy thanked mvoing forward finally. reviewed all staff involved. none done without staff.

Council Member Dufford moved to adopt Resolution No. 2015 - 352; seconded by Council Member Lacy.

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

40. Consider an ordinance adopting the 2015 International Fire Code, with amendments; as the Fire Code of the City of Midland. (FIRE)

ORDINANCE NO. 9504

AN ORDINANCE AMENDING TITLE VII, “FIRE REGULATIONS,” CHAPTER 1, “FIRE PREVENTION CODE,” OF THE MIDLAND CITY CODE; DESIGNATING THE FIRE MARSHAL AS THE FIRE CODE OFFICIAL; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE WITH CERTAIN AMENDMENTS AS THE FIRE PREVENTION CODE OF THE CITY OF MIDLAND, TEXAS; REPEALING ORDINANCE NUMBER 9348 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES WHICH ARE IN CONFLICT WITH THIS ORDINANCE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2016; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); PROVIDING AN APPEAL PROCESS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9504.

Council Member Love moved approval of the first of two readings of Ordinance No. 9504 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Fire Chief Robert Isbeell goes hand in hand with building code. This keeps in step.

Isbell quite a few changes collaborated with building dept and gotten word out to developers as to those changes. Morales two instances on outdoor patios on restaraunts do they require sprinkllers. Chief they do theres is a lot of variations. If seating or storage usually ssprinkler requirement that is new norm. Morales what about residential? Chief been reelegated to sideline on residential sprinkler systems. Lookiing at ways to incentivize and negotiate other peices of code can't mandate. Love that would affect affordability of housing want to make sure incentives are monetaary. Chief about $1-2 per square ffoot to put in sprrinkleer system.

Lacy what iss cost savings on insurance. Don't have but will get. Lacy thanked dept for putting in smoke alaarms.

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

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

Lacy need to do someething for p7z since taken to 7 current chairman needs to be removed temp move to alt. Courtney message from wife having medical issues he needs to be temp reeplaced rec put in alternate and appooint anoother citizen to board. Kevin Wilton.

Council Member Lacy moved to move Kevin Wilton to alteernate of Planning & Zoning ; seconded by Council Member Hotchkiss.

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

Hotchkiss send note thanking for service and wishing improved health.

EXECUTIVE SESSION

Recess to Executive Session at 10:58 a.m.

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

a. Section §551.087 Deliberate Economic Development Negotiations.

a.1. Discuss business prospects that the City seeks to have, locate, stay, or expand in or near the City of Midland, Texas, and discuss possible

incentives.

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

PASSED AND APPROVED the __ day of ____, 2015.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary