

**MIDLAND CITY COUNCIL
MINUTES
October 21, 2014**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on October 21, 2014.

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

Council Members absent: None.

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

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at ____ a.m., October 21, 2014.

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

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

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:06 a.m.

1. Invocation - Moses Ceasar, Young Adults & Singles Minister, First Baptist Church.
2. Pledge of Allegiance

PRESENTATIONS

- a. breast cancer no one present.
 - b. Municipal Courts week. Spakrs presented to judges.
 - c. Mayor received presentation from Parks Amanda accepted challenged from javid 100,000 matching funds for endowment funds designed to help contnue mainting parks. javaid moved here in 76 feel city park simprotant
 - d. Hotchkiss presented polio day
 - a, Pink the Basin Inc. foundation Inc. 501c3www.pinkthebasin.com all proceeds stay in basin. gratted over \$200,000 to Midland Memorial and Odessa Hospital and Andrews for free screening. 940-pink.
 - d. Robnett presented Epilepsy.
 - f. Rogers Ford presented by Mayor Morales.
3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation from the American Breast Cancer Society regarding "Breast Cancer Awareness Month".
 - b. Presentation of a Proclamation for Municipal Court Week.
 - c. Recognition of the Javaid Anwar Family for their challenge pledge to the Midland Community Parks & Recreation Endowment Fund.
 - d. Presentation of a Proclamation for World Polio Day.
 - e. Presentation of a Proclamation for Epilepsy Awareness Month.
 - f. Presentation of a Proclamation for Roger's Ford Day.

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

5. Approved a motion approving the following minutes:

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

- a. Regular meeting of October 7, 2014.

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

- b. Special meeting of October 10, 2014.

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

6. Approved a resolution approving a professional services agreement for engineering and architectural services for the demolition of buildings. (PURCHASING)

RESOLUTION NO. 2014 - 374

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH VANDERGRIFF GROUP ARCHITECTS, PC OF MIDLAND, TEXAS FOR THE OVERSIGHT OF ENVIRONMENTAL ASSESSMENT, ABATEMENT, AND DEMOLITION OF THE MID-AMERICA BUILDING (LOCATED ON LOT 7A, BLOCK 27, ORIGINAL TOWN ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS) AND THE MIDLAND EXECUTIVE CENTER (LOCATED ON LOT 13A, BLOCK 27, ORIGINAL TOWN ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS), COMMONLY KNOWN AS THE ARRINGTON BUILDINGS, AND THE FORMER MIDLAND COUNTY COURTHOUSE (LOCATED ON BLOCK 55, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS); APPROPRIATING FUNDS IN THE AMOUNT OF \$80,000.00; AND AUTHORIZING PAYMENT FOR SAID PROFESSIONAL SERVICES IN THE AMOUNT OF \$293,000.00

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

7. Approved a resolution awarding a contract for window cleaning at the Midland International Air & Spaceport. (PURCHASING)

RESOLUTION NO. 2014 - 375

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR LABOR, MATERIAL, EQUIPMENT AND SUPERVISION NECESSARY TO PROVIDE WINDOW CLEANING SERVICES AT THE MIDLAND INTERNATIONAL AIR AND SPACE PORT, THE BID REQUEST RESULTED IN THREE BIDS, HOWEVER THE LOWEST BID FROM SQUEEGEE SQUAD HEADQUARTERS, WAS WITHDRAWN; THE CITY MANAGER RECOMMENDS APPROVING THE PURCHASE FROM THE SECOND LOW BIDDER, CRYSTAL CLEAR BUILDING SERVICES, INCORPORATED, AS THE OVERALL LOWEST AND MOST RESPONSIBLE BIDDER

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

8. Approved a resolution awarding a contract to the sole proposer for concession management services at the Hogan Park Golf Course. (PURCHASING)

RESOLUTION NO. 2014 - 376

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE SOLE PROPOSER, O'MULLIGANS, LIMITED, OF MIDLAND, TEXAS, FOR CONCESSION SERVICES AT THE HOGAN PARK GOLF COURSE; UNDER SAID CONTRACT, THE CITY WILL RECEIVE ANNUAL RENT IN THE AMOUNT OF \$35,000.00, SEVEN PERCENT (7%) OF GROSS SALES FROM \$35,000.00 TO \$175,000.00, AND TEN PERCENT (10%) OF GROSS SALES OVER \$175,000.00

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

9. Approved a resolution awarding a contract for the Tradewinds Boulevard Utility Improvements project for the Engineering Department. (PURCHASING)

RESOLUTION NO. 2014 - 377

RESOLUTION AWARDING A CONTRACT FOR THE TRADEWINDS BOULEVARD UTILITY IMPROVEMENTS PROJECT TO WHITEWATER CONSTRUCTION, INC., OF WACO, TEXAS, AT A TOTAL COST OF \$2,341,020.00; AND AUTHORIZING PAYMENT THEREFOR

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

10. Approved a resolution awarding an annual master agreement to the sole bidder for Grade CRS-2 Emulsified Asphalt for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2014 - 378

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE PURCHASE OF THIRTY THREE THOUSAND (33,000) GALLONS OF EMULSIFIED ASPHALT FOR USE BY THE TRANSPORTATION DIVISION FROM MARTIN PRODUCT SALES, LLC, DOING BUSINESS AS MARTIN ASPHALT, OF HOUSTON, TEXAS, THE SOLE BIDDER, AT AN ESTIMATED TOTAL COST OF \$94,410.00

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

11. Approved a resolution authorizing the award of the project described as MAF Aerospace Development Park Programmatic Environmental Assessment (9111) to Parkhill, Smith & Cooper and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2014 - 379

RESOLUTION AUTHORIZING THE AWARD OF THE PROJECT DESCRIBED AS MAF AEROSPACE DEVELOPMENT PARK PROGRAMMATIC ENVIRONMENTAL ASSESSMENT (9111) TO PARKHILL, SMITH & COOPER, INCORPORATED; THE COUNCIL PREVIOUSLY APPROVED AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INCORPORATED, FOR IMPROVEMENTS CONTAINED IN THE AIRPORT CAPITAL IMPROVEMENT PROGRAM, WHICH INCLUDED THE MAF AEROSPACE DEVELOPMENT PARK PROGRAMMATIC ENVIRONMENTAL ASSESSMENT; THE TOTAL COST OF SAID PROJECT IS \$142,369.00; AND APPROPRIATING FUNDS

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

12. Approved a resolution authorizing the acceptance of additional grant funds from the Texas Department of State Health Services Document No. 2015-001305-00 in the amount of \$55,815.00 to assist the Health and Senior Services Division with the delivery of local public health services; and authorizing the execution of acceptance documents (COMMUNITY SERVICES)

RESOLUTION NO. 2014 - 380

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

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

13. Approved a resolution authorizing the acceptance of additional grant funds from the Texas Department of State Health Services Document No. 2015-001273-00 in the amount of \$150,358.00 to assist the Health and Senior Services Division with the delivery immunization services; and authorizing the execution of acceptance documents. (COMMUNITY SERVICES)

RESOLUTION NO. 2014 - 381

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

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

14. Approved a resolution authorizing the acceptance of additional grant funds from the Texas Department of State Health Services Document No. 2015-001271-00 in the amount of \$100,950.00 to assist the Health and Senior Services Division with the delivery public health emergency preparedness; and authorizing the execution of acceptance documents. (COMMUNITY SERVICES)

RESOLUTION NO. 2014 - 382

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

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

15. Approved a resolution authorizing the acceptance of additional grant funds from the Texas Department of State Health Services Document No. 2015-001299-00 in the amount of \$27,559.00 to assist the Health and Senior Services Division with the delivery of refugee immunizations; and authorizing the execution of acceptance documents (COMMUNITY SERVICES)

RESOLUTION NO. 2014 - 383

RESOLUTION AUTHORIZING THE ACCEPTANCE OF ADDITIONAL GRANT FUNDS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES IN THE AMOUNT OF \$27,559.00 TO ASSIST THE HEALTH AND SENIOR SERVICES DIVISION WITH THE DELIVERY OF REFUGEE IMMUNIZATIONS SERVICES; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS; AND APPROPRIATING FUNDS

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

16. Approved a resolution of the City Council of the City of Midland acknowledging that proposed THF Palladium Midland project is located in a census tract that has more than 20% Housing Tax Credit Units in the census tract; expressing support of project; and authorizing and directing the City Secretary to certify the resolution to the Texas Department of Housing and Community Affairs (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 384

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS ACKNOWLEDGING THAT THF PALLADIUM MIDLAND, LTD.'S PROPOSED DEVELOPMENT OF AFFORDABLE RENTAL HOUSING THAT WILL BE LOCATED AT 2200 SOUTH LAMESA ROAD, MIDLAND, TEXAS, KNOWN AS THF PALLADIUM MIDLAND, IS LOCATED IN A CENSUS TRACT THAT HAS MORE THAN 20% HOUSING TAX CREDIT UNITS PER TOTAL HOUSEHOLDS IN THE CENSUS TRACT; SUPPORTING SAID PROPOSED DEVELOPMENT; APPROVING THE CONSTRUCTION OF SAID PROPOSED DEVELOPMENT, SUBJECT TO ALL APPLICABLE LAWS, RULES, REGULATIONS, AND ORDINANCES; AUTHORIZING AN ALLOCATION OF HOUSING TAX CREDITS FOR SAID PROPOSED DEVELOPMENT; AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ENSURE CONSISTENCY WITH FAIR HOUSING LAWS AS THEY MAY APPLY; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS; AND PROVIDING AN EFFECTIVE DATE

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

17. Approved a resolution authorizing the intent of the City of Midland to acquire fee simple title to real property for the development of affordable housing; said real property described as Lots 10 through 14, Block 4, Chestnut Place Addition, City and County of Midland and Lots 4 through 9, Block 6, Chestnut Place Addition, City and County of Midland; and declaring a public purpose; authorizing the City Attorney to determine Ownership of said real property; authorizing the City Manager to procure appraiser services associated with the said proposed acquisition; and appropriating funds to Project 9116 – 1400 Block East Nobles. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 385

RESOLUTION AUTHORIZING THE CITY MANAGER TO OBTAIN AN APPRAISAL OF LOTS 4 THROUGH 9, BLOCK 6, AND LOTS 10 THROUGH 14, BLOCK 4, CHESTNUT PLACE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT 1406 AND 1408 THROUGH 1417 EAST NOBLES AVENUE); AUTHORIZING THE CITY MANAGER TO OBTAIN A TITLE COMMITMENT FOR SAID PROPERTY FROM LONE STAR ABSTRACT AND TITLE CO., INC.; AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE PURCHASE OF SAID PROPERTY; AUTHORIZING THE CITY MANAGER TO EXECUTE AND FILE ALL DOCUMENTS NECESSARY FOR THE PURCHASE OF SAID PROPERTY; AUTHORIZING THE CLOSING FOR SAID PURCHASE TO BE HELD AT LONE STAR ABSTRACT AND TITLE CO., INC.; APPROPRIATING FUNDS IN THE AMOUNT OF \$10,000.00; AUTHORIZING PAYMENT FOR SAID APPRAISAL; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO REQUEST APPROPRIATION AND AUTHORIZATION OF PAYMENT OF FUNDS NECESSARY TO PAY FOR SAID PURCHASE PRIOR TO THE CLOSING

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

18. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland, Texas and Centurion Pipeline, L.P, 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 a petroleum pipeline, not to exceed 12 inches in diameter, 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 5 and 8, Block 38,T2S, T&P RR Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 386

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND CENTURION PIPELINE, L.P.; SAID RIGHT-OF-WAY LICENSE IS FOR ENTERING CITY OF MIDLAND'S PROPERTY FOR THE PURPOSE OF PLACING, INSTALLING, CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND REMOVING A PETROLEUM PIPELINE AND TO HAVE THE RIGHT OF INGRESS AND EGRESS AT CONVENIENT POINTS FOR SUCH PURPOSE; THE PROPERTY IS LOCATED IN MIDLAND COUNTY, TEXAS, BEING SECTIONS 5 AND 8, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY; RECORDED IN VOLUME 1847, PAGE 583, AND VOLUME 2308, PAGE 3 DEED RECORDS OF MIDLAND COUNTY, TEXAS; THE LICENSE TERM IS FOR FIVE (5) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE AND SHALL AUTOMATICALLY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL FIVE (5) YEAR TERM UPON 120 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

19. Approved a resolution to execute a Right of Way License and Surface Damage Agreement with Atlas Pipeline. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 387

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND ATLAS PIPELINE MID-CONTINENT WESTTEX, LLC; SAID RIGHT-OF-WAY LICENSE IS FOR ENTERING CITY OF MIDLAND'S PROPERTY FOR THE PURPOSE OF PLACING, INSTALLING, CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND REMOVING A PETROLEUM PIPELINE AND TO HAVE THE RIGHT OF INGRESS AND EGRESS AT CONVENIENT POINTS FOR SUCH PURPOSE; THE PROPERTY IS LOCATED IN MIDLAND COUNTY, TEXAS, BEING SECTION 19, BLOCK 36 AND SECTION 24, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY; RECORDED IN VOLUME 1508, PAGE 593, DEED RECORDS OF MIDLAND COUNTY, TEXAS; THE LICENSE TERM IS FOR FIVE (5) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE AND SHALL AUTOMATICALLY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL FIVE (5) YEAR TERM UPON 120 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

20. Approved a resolution authorizing the execution of a Public Improvement Development Agreement in the amount of \$2,156,666.66 between the City of Midland and D.R. Horton-Texas, Ltd. for the construction of Mockingbird Lane to serve Adobe Meadows Addition Section 6, generally located on the northeast corner of Mockingbird Lane and SH 349; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 388

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH D.R. HORTON-TEXAS, LTD. FOR DEVELOPMENT OF ADOBE MEADOWS ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHEAST CORNER OF MOCKINGBIRD LANE AND BUSINESS STATE HIGHWAY 349-C); AND APPROPRIATING AND ALLOCATING FUNDS IN THE AMOUNT OF \$2,156,668.00 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

21. Approved a resolution to appropriate \$125,000 from the 2014 CO Street & Drainage Fund (175) Unappropriated Fund Balance (5650) to the City Wide ADA Ramps Phase 1 Project (9115). (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 389

RESOLUTION APPROPRIATING \$125,000.00 FROM THE 2014 CO STREET & DRAINAGE FUND (175) UNAPPROPRIATED FUND BALANCE (5650) TO THE CITYWIDE ADA RAMPS PHASE 1 PROJECT (9115); SAID FUNDS TO BE USED FOR THE INSTALLATION OF SIDEWALKS AND RAMPS TO IMPROVE PEDESTRIAN ACCESSIBILITY AT VARIOUS LOCATIONS CITYWIDE, INCLUDING ENHANCEMENTS FOR COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

22. Approved a resolution to accept the 2014 Texas "J" Regional Advisory Council Grant. (FIRE)

RESOLUTION NO. 2014 - 390

RESOLUTION ACCEPTING A GRANT AWARD FROM THE TEXAS "J" REGIONAL ADVISORY COUNCIL IN THE AMOUNT OF \$11,969.00; SAID FUNDS TO BE USED BY THE MIDLAND FIRE DEPARTMENT FOR TRAINING EQUIPMENT AND SUPPLIES

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

23. Approved a resolution to accept and appropriate \$51,594 Awarded to the Midland Police Department by the Governor's Office through the FY2015 Edward Byrne Memorial Justice Assistance Grant Program. (POLICE)

RESOLUTION NO. 2014 - 391

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$51,594.00 FROM THE FISCAL YEAR 2015 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM PROVIDED BY THE GOVERNOR'S OFFICE; SAID GRANT FUNDS WILL BE USED TO PURCHASE EQUIPMENT IN ORDER TO EXTENSIVELY UPGRADE THE QUALITY AND LEVEL OF RESPONSE TO RESISTANCE AND PHYSICAL FITNESS TRAINING PROVIDED TO OFFICERS AND RECRUITS

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

24. Approved a resolution authorizing the execution of a contract with Community and Senior Services of Midland for consulting and management services and to conduct the operation of the Midland Southeast Senior Center and Midland Senior Center (COMMUNITY SERVICES)

RESOLUTION NO. 2014 - 392

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF MIDLAND, TEXAS, AND COMMUNITY AND SENIOR SERVICES OF MIDLAND, IN THE AMOUNT OF \$400,000.00, FOR CONSULTING AND MANAGEMENT SERVICES IN ORDER TO CONDUCT THE OPERATION OF THE MIDLAND SOUTHEAST SENIOR CENTER AND MIDLAND SENIOR CENTER

Council Member Love moved to approve Consent Agenda items 5 - 24 excluding ; seconded by Council Member Sparks.

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

SECOND READINGS

25. Consider an ordinance on second reading a request by SBC, L.P. for a zone change from PD, Planned District for a Shopping Center to O-2, Office District, on an 8.55-acre portion of Lot 1, Block 6, Westridge Park Addition, Section 6, City and County of Midland, Texas. (Generally located southwest of the intersection of North Loop 250 West and Champions Drive.) (DEVELOPMENT SERVICES) (First reading held on October 07, 2014.)

ORDINANCE NO. 9329

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING AN 8.55-ACRE PORTION OF LOT 1, BLOCK 6, WESTRIDGE PARK ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH LOOP 250 WEST AND CHAMPIONS DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9329.

Council Member Love moved to approve the second and final reading of Ordinance No. 9329 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

26. Consider an ordinance on second reading on a request by I-43, Associates for a zone change from MF-1, Multiple-Family Dwelling District to O-2, Office District, on a 10.21-acre tract of land out of Section 14, Block 39, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the north end of Edwards Street, approximately 470 feet north of Corporate Drive.) (DEVELOPMENT SERVICES) (First reading held on October 07, 2014.)

ORDINANCE NO. 9330

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 10.21-ACRE TRACT OF LAND OUT OF SECTION 14, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED ON THE NORTH END OF EDWARDS STREET, APPROXIMATELY 470 FEET NORTH OF CORPORATE DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9330.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9330 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

27. Consider an ordinance on second reading on a request by Koontz-McCombs for a zone change from PD, Planned District for and Office Center to and Amended Planned District on Lot 2, Block1, Corporate Plaza, City and County of Midland, Texas. (Generally located northwest of the intersection of Edwards Street and Corporate Drive.) (DEVELOPMENT SERVICES) (First reading held on October 07, 2014.)

ORDINANCE NO. 9331

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9331.

Council Member Love moved to approve the second and final reading of Ordinance No.

9331 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

28. Consider an ordinance on second reading on a request by Permian Homes for a zone change from AE, Agriculture-Estate District to PD, Planned District for a Housing Development, on a 24.09-acre tract of land out of Section 12, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Magellan Street at the east extension of Daybreak Way.) (DEVELOPMENT SERVICES) (First reading held on October 07, 2014.)

ORDINANCE NO. 9332

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 24.09-ACRE TRACT OF LAND OUT OF SECTION 12, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE NORTH SIDE OF MAGELLAN STREET, AT THE EAST EXTENSION OF DAYBREAK WAY); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9332.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9332 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

29. Consider an ordinance on second reading on a request by Lowe's Home Centers, LLC for a zone change from PD, Planned District for a Housing Development to an Amended Planned District, on Lot 2, Block 2, Grandridge Park Addition, Section 1, City and County of Midland, Texas. (Generally located northwest of the intersection of N. Loop 250 West and W. Wadley Avenue.) (DEVELOPMENT SERVICES) (First reading held on October 07, 2014.)

ORDINANCE NO. 9333

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2, BLOCK 2, GRANDRIDGE PARK ADDITION, SECTION 1, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF NORTH LOOP 250 WEST AND WEST WADLEY AVENUE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9333.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9333 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

30. Consider an ordinance on second reading on a request by Sam Lawson for a zone change from PD, Planned District for a Transition District to an Amended Planned District on Lot 13, Block 22, West End Addition, Section 19, City and County of Midland, Texas. (Generally located southeast of the intersection of N. "I" Street and W. Illinois Avenue.) (DEVELOPMENT SERVICES) (First reading held on October 07, 2014.)

ORDINANCE NO. 9334

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9334.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9334 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

31. Consider an ordinance on second reading on a request by Stonehawk Capital Partners for a zone change from PD, Planned District for a Housing Development, to an Amended Planned District, on Lot 2, Block 2, Pavilion Park, Section 1 and on Lot 3, Block 2, Pavilion Park Section 2, City and County of Midland, Texas. (Generally located southeast of the intersection of Stonebridge Drive and Pavilion Parkway.) (DEVELOPMENT SERVICES) (First reading held on October 07, 2014.)

ORDINANCE NO. 9335

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9335.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9335 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

32. Consider an ordinance on second reading on a request by D. R. Horton, Texas Ltd. for a zone change from PD, Planned District for a Housing Development to an Amended Planned District, on a 104.50-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the west side of Avalon Drive, approximately 1,720 feet south of State Highway 191.) (DEVELOPMENT SERVICES) (First reading held on October 07, 2014.)

ORDINANCE NO. 9336

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 104.50-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF AVALON DRIVE, APPROXIMATELY 1,720 FEET SOUTH OF STATE HIGHWAY 191); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9336.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9336 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

33. Consider an ordinance on second reading on a request by SBC, L.P. for a Special Exception to the Zoning Code concerning the required maximum building height, on an 8.55-acre portion of Lot 1, Block 6, Westridge Park Addition, Section 6, City and County of Midland, Texas. (Generally located southwest of the intersection of N. Loop 250 West and Champions Drive.) (DEVELOPMENT SERVICES) (First reading held on October 07, 2014.)

ORDINANCE NO. 9337

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9337.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9337 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

34. Consider an ordinance on second reading 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) (First reading held on October 07, 2014.)

ORDINANCE NO. 9338

AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE DESIGNATED LOCATIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9338.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9338 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

PUBLIC HEARINGS

35. At approximately 10:30 A.M. hold a public hearing and consider a resolution on request by Engineering Services to use an approximate 10.9 acre strip of land generally located east of the Hogan Park Golf Course from Wadley Avenue to Loop 250 in accordance with Chapter 26 of the Texas Parks and Wildlife Code. (ENGINEERING SERVICES)

RESOLUTION NO. NUMBER>

RESOLUTION OF THE CITY COUNCIL OF MIDLAND, TEXAS MAKING A FINDING, PURSUANT TO CHAPTER 26 OF THE TEXAS PARKS AND WILDLIFE CODE, THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE CHANGE IN USE OF AN APPROXIMATE 10.9-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 39, T-1-S, T & P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, MORE SPECIFICALLY DESCRIBED AS THE EAST 90 FEET OF SECTION 13, BLOCK 39, T-1-S, T & P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF FAIRGROUNDS ROAD AND EAST OF THE HOGAN PARK GOLF COURSE, FROM WADLEY AVENUE TO LOOP 250), TO THE EXTENT THAT SAID PROPERTY MAY HAVE BEEN DESIGNATED AND USED AS A PUBLIC PARK OR RECREATION AREA; SAID PROPERTY TO BE USED BY THE CITY OF MIDLAND, TEXAS TO ADD TO FAIRGROUNDS ROAD EXTRA DRIVING LANES, INCLUDING TURNING LANES, AS WELL AS APPURTENANT FIXTURES AND FACILITIES

Matt Carr gave a brief overview of the item noting seeking use of portion fo park to align road that will impact recreation use of park. agree with staff that one that will not impact park use. dufford is that why Mr. Sykes here. yes.

Mayor Morales opened the public hearing at 10:48 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. NUMBER>; seconded by Council Member Lacy.

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

36. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Integrity Land Development for a zone change from FD, Future Development District to 1F-3, One-Family Dwelling District, on an 80.98-acre tract of land located in Section 25, Block 40, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the south side of Briarwood Avenue, approximately 700-feet west of Crowley Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9339

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING AN 80.98-ACRE TRACT OF LAND OUT OF SECTION 25, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE SOUTH

SIDE OF BRIARWOOD AVENUE, AT THE NORTH EXTENSION OF NAVASOTA DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting this request 248 lots dev oging in. mixture of lots 30 lots that would be 1f2 and asking for relief. overall avg size is little over 8500 sq feet. paved alley no loj. p7z rec approval 6-1 vote.

Mayor Morales opened the public hearing at 10:50 a.m.

Mark payne 1602 iddylwild continuation of houses in that area

There being no one else wishing to speak, the public hearing was closed at 10:51 a.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9339.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9339 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

37. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by LJM Enterprises, LLC for a zone change from AE, Agriculture Estate District to LI, Light Industry District, on a 4.99-acre tract of land out of Section 17, Block 38, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the west side of North County Road 1150, approximately 530 feet south of Arapahoe Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9340

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 4.99-ACRE TRACT OF LAND OUT OF SECTION 17, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN LI, LIGHT INDUSTRY DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH COUNTY ROAD 1150, APPROXIMATELY 530 FEET SOUTH OF ARAPAHOE ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting corporate limit lines runt hrough middle of property. they already started building thinking outside of limits. stopped that. thinking of going to light industrial so can finish building. current comp plan calls for gen area as light industrial. but brought in as ag. telephone call this morning someone concerned about how affect of industrial use. they are required to retain drainage on site. Love this is in city limits not etj. chuck part in

limits part in etj. so zoning apply to etj. chuck only for corporate limits. lacy howmuch in city limits. chuck half. chuck if want to do friendly annexation can do that. Morales what about water. chuck no water in area.

Mayor Morales opened the public hearing at 10:55 a.m.

TYvette 3624 East don't have much to say if any questions 10:55 a.m. Sparks what business will it be. drill pipe inspection company operating off county side and built building 3/4 of way. basically light duty vehicles coming in and out place to work on vehicles and equipment low key operation. worked with fd as well. Love willing to support friendly annexation? She drove pasat new City of Midland sign I think may be 100 percent in its likely that lal of building is fairly in for purposes of taxation expected to be City of Midland.

Cathy Stasny 6611 elkins own 40 acres directly south of arapaho a it is not developed. application said all property south of arapaho are heavily commercail still vacant acerage and zoned ze. property is all AE within 650 feet of said property ropsong to change zone line. have cattle agriculture across street is also agricultural. and ranching. concern in past said company has had portapotties. could not find permits thorough tceq there is playa within 15 feet of property. don't see portapoties in storage now weren't sure what type of business. homestead is within 650 feet and concerned about changing to industrial. if wanted to pursue industrial would have purchd in industrial area. playa is federally protected for endangered species and concerned tha thtis code change will negatively affect area. Now iwth huge warehouse coming up and changing to light industrial will have a negative impact. Love in what way. Stasny concernned about playa regarding Wett wanting to build large transmission lines and bluenight came in and wanted to do tank farm in area and borught up playa situation and rerouted also. there is certain area out there from her property that is currently zoned AE goes north all way past timberwolf estates and a lot of neighbors very concerned. Additional traffic. how do they know iwll stay within limit sof what application. Other concern is that sign put out regarding a hearing didn't appear until Friday after lunch.

Mayor Linda been here a year and half ago. have trailer homes nad septic can't speak to porta potty issues want to do everything we need to do to be in complinace. with regarding to traffic operating there now and wil not chnage if grow further move because of size of lot. Have about 10 F150 to F350 trucks. Did subdivide property at beginning of year 10 acres south owned by different company. sparks all drill pipe on location that rig is on.

Mayor chuck on issue of isgn chuck not of ftop of head. Linda Hess 624 Wilkins. Stasny doing business of hauling and transporting portapoties. hauling trialing with portapotty would ahul back in. the maintnenace of raw sewage are they facilitated to. portapotty units not there probably 18-5. Linda never Cathy have photograph because last spring witnessed raw sewage being dumped ong round. without portapotties being there today but last spring they were there. Linda deny associated with that possible could of been . alerted when sitnessed sewage being dumped. Linda have not been in portapotty business do not intend to be in portapotty business and would object to same type of business going on. Morales how board decides to vote may do internal investigation to address concern.s

There being no one else wishing to speak, the public hearing was closed at 11:09 a.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9340.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9340 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Love staff report says future plan calls for light industrial. chuck referring to current comprehensive plan. Love ho wis tha tnot spot zoning, if everything around it is not spot zoning. chuck if in comprehsnive plan this is start mvoing toward that. Love Mr. Stretcher this is like AE equivalent to futur re development and starting to zone according to comp planning. Sparks there was time AE was used as FD before came up wtih FD. Morales one restriction of size can build? Chuck can build anything that cna fit within standard set backs.

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

Mayor asked staff to confirm when sign went out. Htochkiss glad agreement between two to visit.

38. At approximately 10:39 A.M. hold a public hearing and consider an ordinance on a request by Innovative Land Development for a zone change from AE, Agriculture-Estate District, to 1F-3, One-Family Dwelling District on a 21.15-acre tract of land; to LR-2, Local Retail District on an 8.63-acre tract of land; to LR-2, Local Retail District on an 11.70-acre tract of land; to MF-2, Multiple-Family Dwelling District on a 16.91-acre tract of land; and to O-2, Office District on an 18.33-acre tract of land; and from AE, Agriculture-Estate District, in part, and from TH, Townhouse Dwelling District, in part, to 1F-3, One-Family Dwelling District on a 25.63-acre tract of land; and to TH, Townhouse Dwelling District on an 11.53-acre tract of land, all out of Section 1, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of East Loop 250 North, approximately 800 feet east of North Lamesa Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9341

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 21.15-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT; BY PERMITTING AN 8.63-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT; BY PERMITTING AN 11.79-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT; BY PERMITTING A 16.91-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN MF-2, MULTIPLE-FAMILY DWELLING DISTRICT; BY PERMITTING AN 18.33-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT; BY PERMITTING A 25.64-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, IN PART, AND TH, TOWNHOUSE DWELLING

DISTRICT, IN PART, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT; BY PERMITTING AN 11.53-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, IN PART, AND TH, TOWNHOUSE DWELLING DISTRICT, IN PART, TO BE USED AS A TH, TOWNHOUSE DWELLING DISTRICT; SAID TRACTS BEING OUT OF SECTION 1, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF EAST LOOP 250 NORTH, APPROXIMATELY 800 FEET EAST OF NORTH LAMESA ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting applicant request to lay out property as he sees he will develop it. staff's review of application found it was a good blend to residential to north. no written loj. approved by p7z 4-3 sept 29 meeting. Dufford reason why so close. Dufford no opposition gave reason. Hotchkiss and was surprised about vote. Sparks tract a tract f next to eachother what makes different tracts. Harrington different uses ask the developer.

Mayor Morales opened the public hearing at 11:17 a.m.

Mark Payne 1603 Idyllwild Tract A 1f3 product all do have paved alleys traditional with alley and rear loading. tract b garden home low maintenance Tract c townhouses attached. no reason for separation of Ir2 other than trying to good location for hotel but falls in Ir2 do see used different but those two tracts could of been same. tract a more traditional 1f3 tract b garden homes and then townhomes in tract c. setbacks in tract a is 15 foot front yard and tract b and c asked for 10 foot front yard setback. alleys in this and properties to west do not have alleys. Mark payne most rear loading. Mayor on Ir2 more of drive up? Mark there is a plaza in intersection of lamesa hits loop 250 actually building a water feature in detention basin to create atmosphere and wrapping around Ir2. seeing restaurants and tract D thought good location for hotel. Lacy master plan, mark yes.

There being no one else wishing to speak, the public hearing was closed at 11:21 a.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9341.

Council Member Love moved approval of the first of two readings of Ordinance No. 9341 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

39. At approximately 10:42 A.M. hold a public hearing and consider an ordinance on a request by Versa Development for approval of an Apartment Site Plan on a 12.92-acre tract of land out of Section 1, Block 39, T-2-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located southeast of the intersection of Gist Avenue and Wayside Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9342

AN ORDINANCE ADOPTING A SITE PLAN FOR A 12.918-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 SOUTHEAST OF THE INTERSECTION OF GIST AVENUE AND WAYSIDE DRIVE); 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

Development Services Director Chuck Harrington gave a brief overview of the item noting request to dev property multi family for lower income groups. Piece of prop beent her efor yuears never utilized. Very low density less than max 16 units per acre. a lot of good amenities. clubhouse, grills, dog park, picnic tables. more than ad landsacpign no loj masonry screen wall on eastern portion rec approval of request by p7z 601 staff concern. would make not due to lender had to make flip flop applicant iwll speka flip flop oclubhouse no major hcanges to site.

Mayor Morales opened the public hearing at 11:24 a.m.

David Kerkel 5455 Montecello Dallas, had last minute curveball thrown by lender. ther eis abandoned pipeline easement here. even though abandoned want building to be off easement so had to change building G 8 feet to get seperation from building to boundary of easement. Had to mirror clubhouse so can still have ample room for courtyard and pool area. actually a little bit better. If itnerested in looking at change brough copies. units didn't change nothing changed just a hsifting of building mirror of club and redesign pool. they are workforce housing dev project. 123 bedroom rents capped at different levels \$400 to \$1200. hyuge demand in market place one bedroom build in 70s is more then twice what 3 bedroom. own and operate directly next door to constellation ranch and maintain 100% occupancy waiting list in excess of 300l. there is demand. sparks when break ground. David moving as fast as can. Following submittal proceed with final plat hope to close and commence construction end feb early march and 18month construction time.

There being no one else wishing to speak, the public hearing was closed at 11:29 a.m.

Love been visiting with Midland County Housing Authority in sfull support of idstrict. the 4th apt compelx in area south of Florida on Lamesa.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9342.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9342 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

contingent on putting in plan change.

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

40. At approximately 10:45 A.M. hold a public hearing and consider an ordinance on a

request by J. Penos Café Catering and Company for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 17 and the South half of Lot 18, Block 104, Original Town Addition, City and County of Midland, Texas. (Generally located on the east side of S. Main Street, approximately 100 feet north of Washington Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9343

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 17 AND THE SOUTH HALF OF LOT 18, BLOCK 104, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH MAIN STREET, APPROXIMATELY 100 FEET NORTH OF WASHINGTON AVENUE), WHICH IS PRESENTLY ZONED LI, LIGHT INDUSTRY DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting request to have rest serving alco bev. prop hours s-th 11-10 11-11 f and s. p7z rev and voted approv unan. one loj passed copy but staff rec approval. Lacy normal to put palce served alco across from county jail. chuck not use. love light industrial district for shopping center. Love just light industrial. Htochkiss says not objecting Lacy Love property owner doing catering now and want to do light industrial now not requesting zone changing. just trying to get sup. sparks it just for 2 years and can be evaluated. its not prohibited.

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9343.

Council Member Love moved approval of the first of two readings of Ordinance No. 9343 in accordance with the Charter of the City of Midland with amendment wherever it says light industrial for a shopping center be replaced with light industrial; seconded by Council Member Hotchkiss.

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

41. At approximately 10:48 A.M. hold a public hearing and consider an ordinance on a request by Innovative Land Development for a Special Exception to the Zoning Code concerning the front yard setback requirements on a 21.15-acre tract of land and the front yard setback and minimum lot size requirements on a 25.64-acre tract of land and on an 11.53-acre tract of land, all out of Section 1, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the south side of Solomon Lane, approximately 800 feet east of N. Lamesa Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9344

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 21.15-ACRE TRACT OF LAND ("TRACT A"), A 25.64-ACRE TRACT OF LAND ("TRACT B"), AND AN 11.53-ACRE TRACT OF LAND ("TRACT C"), ALL OUT OF SECTION 1, BLOCK "X" H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF SOLOMON LANE, APPROXIMATELY 800 FEET EAST OF NORTH LAMESA ROAD), BY PERMITTING A REDUCED FRONT YARD SETBACK FOR LOTS WITHIN TRACT A, TRACT B, AND TRACT C, AND BY PERMITTING A REDUCED MINIMUM LOT SIZE FOR LOTS WITHIN TRACT B AND TRACT C; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Development Services Director chuck Harrington gave a brief overview of the item noting this is secondary request of Mr. Payne for setbacks reduced to 10 feet and 15 feet. and minimize lot size reduction. the reason is to better distribute his housing and come up with a different look. why staff understands can't rec approval. Love may agree with it except violates what supposed to do. chuck think what he's trying to do is reasonable.

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

Mark Payne Idyllwild. front yard setbacks familiar with part of transition does not have alleys hard to get 100 feet and progress but the reason for that. street scape creates different atmosphere. sparks appreciate what done in past subdivisions well done.

There being no one else wishing to speak, the public hearing was closed at 11:41 a.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9344.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9344 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

42. At approximately 10:51 A.M. hold a public hearing and consider an ordinance on a request by Integrity Land Development for a Special Exception to the Zoning Code concerning the required front yard setback on an 80.89-acre tract of land out of Section 25, Block 40, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the south side of Briarwood Avenue, at the north extension of Navasota Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9345

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR AN 80.98-ACRE TRACT OF LAND OUT OF SECTION 25, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF

BRIARWOOD AVENUE, AT THE NORTH EXTENSION OF NAVASOTA DRIVE), BY PERMITTING A REDUCED FRONT YARD SETBACK FOR LOTS WITHIN SAID TRACT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting this will be continuation fo existing project with paved alleys and asking for reduced front yard setbacks. he has street scape and trying to maintain that. staff understands what trying to do but caught be ord.

Mayor Morales opened the public hearing at 11:43 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9345.

Council Member Love moved approval of the first of two readings of Ordinance No. 9345 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

MISCELLANEOUS

43. Approved a motion appealing the Building Official's denial of a sign permit application by Zeno Office Solutions located on 5301 West Loop 250 North, City and County of Midland, Texas. (Generally located on the south side of West Loop 250 North, approximately 1,000 feet northeast of Tremont Avenue.) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting appeal to building official decision sign. have exisitng sign replace because cannot be repaired. ord changed over time restricted to 75 sq ft vs 200 requesting. no hardhsips exhibited from staff standpoint and rec denail. Dufford what was size of sign 200 feet. dufford now changed ord and have to go to somethign small and want same size. Lacy what are signs in area. anyting over 200 could be.. dufford all want to do is repalce sign there currently want to double led size and all led. hotchkiss when new sign ord designed and borught into palce this was intent as time went on there would be frewer larger signs decrease signage in city. Love chuck both sides led. chuck yes. Morales do we hve anythjnign in palc eof led of that size not concerned aboutlight distractions. chuck ther eare light restriction but htis has not impact in this area. atn niht have to be dimmed to certian elvel. hwo do you measure? chuck ther eis formula in ther eand working on in new ord for lumens at certain point. with this 200 feet on one sign really 200 sq feet. chuck allowed to double face.

Jacob Pesina 4801 Globe Lubbock, thing about Daktronics board new one mroe neergy efficient can built in photo cell at night automatically dims down and mostly led can last longer. want sto promote his company.

Love can support but caution don't want to set precedent but because replacing existing sign.

Council Member Sparks moved to approve a motion appealing the Building Official's denial of a sign permit application by Zeno Office Solutions located on 5301 West Loop 250 North, City and County of Midland, Texas. (Generally located on the south side of West Loop 250 North, approximately 1,000 feet northeast of Tremont Avenue.); seconded by Council Member Love.

Hotchkiss still comment again reason would no longer be accepted and put in that would slowly phase out sign so not be visual litter to community. Maybe 7-8 years ago. Robnett how monitor sign at night. chuck if happens or see it check it. rely on most of new signs have automatic solar switch that triggers it. what is metric is there standard. chuck very well defined number. Hotchkiss thought new instrument and it will calibrate number of lumens.

robnett asked Jacob to following up when installed with staff to confirm. Jacob automatic manually change as well. too.

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

44. Approved a motion on a proposed preliminary plat of Heritage Oaks Addition, Section 6, being an 80.98-acre tract of land out of Section 25, Block 40, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the south side of Briarwood Avenue, at the north extension of Navasota Drive.) (DEVELOPMENT SERVICES)

chuck already seen other action items and zone change this is prel plat that goes along with other staff rec approval. all tied together 42 44

Council Member Love moved to approve a motion on a proposed preliminary plat of Heritage Oaks Addition, Section 6, being an 80.98-acre tract of land out of Section 25, Block 40, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the south side of Briarwood Avenue, at the north extension of Navasota Drive.); seconded by Council Member Hotchkiss.

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

45. Approved a resolution naming and appointing a new City Attorney effective March 1, 2015. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2014 - 394

RESOLUTION NAMING AND APPOINTING A NEW CITY ATTORNEY EFFECTIVE MARCH 1, 2015; THE APPOINTMENT WILL NOT BE EFFECTIVE UNTIL AN EMPLOYMENT CONTRACT IS APPROVED BY A RESOLUTION OF THE MIDLAND CITY COUNCIL; THE RESOLUTION APPROVING THE EMPLOYMENT CONTRACT WILL BE CONSIDERED BY THE MIDLAND CITY COUNCIL AT A REGULAR CITY COUNCIL MEETING

defer to after exec session.

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

no appointmehnts.

EXECUTIVE SESSION

recess to executive session at 11:57

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

a. 551.074 Personnel Matters

- a.1. Deliberate the appointment, employment, duties, and compensation of the new City Attorney. Interview a candidate for the position of City Attorney.
- a.2. Deliberate the employment, evaluation, compensation, and duties of the Director of Airports.

b. Section 551.087, Deliberate Economic Development Negotiations

- b.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.

c. Section 551.072, Deliberation Regarding Real Property

- c.1. Discuss the sale, exchange, lease, or value of real property described as Blocks 54 and 55, Original Town Addition, City and County of Midland, Texas. Block 54 is the site of the Midland Center. Block 55 is the site of the former Midland County Courthouse.

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

PASSED AND APPROVED the ____ day of _____, ____.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary