

**MIDLAND CITY COUNCIL
MINUTES
October 22, 2013**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on October 22, 2013.

Council Members present: Mayor W. Wesley Perry, Council Member Jerry Morales (At-Large), Council Member Scott Dufford (At-Large), Mayor Pro Tem Jeff Sparks (District 1), Council Member John Love (District 2), Council Member John James (District 3), and Council Member Michael Trost (District 4).

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney Keith Stretcher, Deputy City Manager Tommy Hudson, Assistant City Manager Jim Nichols, City Secretary Amy Turner, Police Chief Price Robinson, General Services Director Robert Patrick, Fire Chief Robert Patrick, Utilities Director Stuart Purvis, Administrative Services Director Catherine Clifton, Finance Director Bob McNaughton, Community Services Director Tina Jauz, Acting Engineering Director David Beard, Planning Division Manager Cameron Walker, Building Official Steve Thorpe, GIS Manager Bill Hodge, Public Information Officer Sara Higgins, Multimedia Developer Ryan Stout, and Community Development Manager Sylvester Cantu.

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at ____ a.m., October 22, 2013.

Council Members present: Mayor W. Wesley Perry, Council Member Jerry Morales (At-Large), Council Member Scott Dufford (At-Large), Mayor Pro Tem Jeff Sparks (District 1), Council Member John Love (District 2), Council Member John James (District 3), and Council Member Michael Trost (District 4).

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

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:02 a.m.

1. Invocation - Reverend Pat Bryant, Travis Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

Mayor Perry presented proclamation to Family Promise.

Rhonda Chiller, Jennifer Frescas, Jamie Rhodes, Jeff Lockler current board president. Thanked every opened February 14, 2011. anyone experiencing homelessness please refer to Family Promise.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation to Family Promise.

PUBLIC COMMENT

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

CONSENT AGENDA

Council Member James moved to approve Consent Agenda items 5 - 24 excluding 17, 18; seconded by Council Member Morales.

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

5. Approved a motion approving the following minutes:
 - a. Regular meeting of October 8, 2013.
6. Approved a resolution approving an agreement with Brinkley Sargent Architects, Inc. for architectural and engineering services for the new Municipal Court building project. (PURCHASING)

RESOLUTION NO. 2013 - 372

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH BRINKLEY SARGENT ARCHITECTS, INCORPORATED, OF DALLAS, TEXAS, FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE NEW MUNICIPAL COURT BUILDING PROJECT AT A COST OF \$805,637.00

7. Approved a resolution approving two (2) annual master agreements for fertilizer for the

Spraberry Farm for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2013 - 373

RESOLUTION APPROVING THE PURCHASE OF FERTILIZER, IN VARIOUS MIXES, FROM HELENA CHEMICAL COMPANY OF STANTON, TEXAS, AND BWI COMPANIES, INCORPORATED, DBA BWI DALLAS/FT. WORTH, OF CARROLLTON, TEXAS, AT A TOTAL COST NOT TO EXCEED \$114,750.00

8. Approved a resolution approving a contract with Mid-Tex of Midland, Inc. for the new indoor batting cage facility project at the Scharbauer Sports Complex for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2013 - 374

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE CONSTRUCTION OF A NEW INDOOR BATTING CAGE FACILITY AND ASSOCIATED CONCRETE WORK AT THE SCHARBAUER SPORTS COMPLEX WITH MID-TEX OF MIDLAND, INCORPORATED, AT A TOTAL COST OF \$718,000.00

9. Approved a resolution approving a contract with Mid-Tex of Midland, Inc. for the renovation of 2 stairwells at Grande Stadium at the Scharbauer Sports Complex for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2013 - 375

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE RENOVATION OF TWO STAIRWELLS AT GRANDE COMMUNICATIONS STADIUM WITH MID-TEX OF MIDLAND, INCORPORATED, AT A TOTAL COST OF \$97,000.00

10. Approved a resolution authorizing the issuance of a request for qualifications for advertising at the Midland International Airport. (PURCHASING)

RESOLUTION NO. 2013 - 376

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL ADVERTISING SERVICES AT THE MIDLAND INTERNATIONAL AIRPORT; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A PROFESSIONAL ADVERTISING SERVICES AGREEMENT FOR SAID SERVICES; AND PROVIDING THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL

11. Approved a resolution rejecting all bids received for the Concession Stand Expansion project at the Scharbauer Sports Complex. (PURCHASING)

RESOLUTION NO. 2013 - 377

RESOLUTION REJECTING ALL BIDS RECEIVED FOR BID NO. 6957-14 FOR THE CONCESSION STANDS EXPANSION PROJECT AT THE SCHARBAUER SPORTS COMPLEX

12. Approved a resolution rejecting all proposals received for management, operation, maintenance and enforcement services for a single-space parking meter system for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2013 - 378

RESOLUTION REJECTING ALL BIDS RECEIVED FOR BID NO. 6548-13 FOR MANAGEMENT, OPERATION, MAINTENANCE AND ENFORCEMENT SERVICES FOR A SINGLE-SPACE PARKING METER SYSTEM; AND THE METERS WERE TO BE LOCATED IN THE DOWNTOWN AREA

13. Approved a resolution rejecting all proposals received for the purchase of single-space parking meters for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2013 - 379

RESOLUTION REJECTING ALL BIDS RECEIVED FOR BID NO. 6534-13 FOR THE PURCHASE OF SINGLE-SPACE PARKING METERS THAT WERE TO BE LOCATED IN THE DOWNTOWN AREA

14. Approved a motion ratifying the submission of a Petition of Reconsideration to the Transportation Security Administration regarding the transfer of responsibilities for security checkpoint exit lane access control at Midland International Airport. (AIRPORTS)
15. Approved a resolution ratifying all actions of the Mayor and confirming the Mayor's authority in the creation of the Midland Spaceport Development Corporation. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2013 - 389

RESOLUTION OF THE CITY OF MIDLAND, TEXAS RATIFYING ALL ACTIONS OF THE MAYOR AND CONFIRMING THE MAYOR'S AUTHORITY IN THE CREATION OF THE MIDLAND SPACEPORT DEVELOPMENT CORPORATION; AND SPECIFICALLY AUTHORIZING THE MIDLAND SPACEPORT DEVELOPMENT CORPORATION TO ACT ON BEHALF OF THE CITY OF MIDLAND TO THE EXTENT AUTHORIZED BY CHAPTER 507 OF THE TEXAS LOCAL GOVERNMENT CODE; AND AUTHORIZING THE MAYOR, CITY ATTORNEY AND THE CITY MANAGER TO FILE ALL APPROPRIATE DOCUMENTS

16. Approved a resolution on the Second Amendment to the Wholesale Water Delivery Agreement between the City of Midland and the Midland County Fresh Water Supply District No. 1 (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2013 - 380

A RESOLUTION APPROVING A SECOND AMENDMENT TO AND RESTATEMENT OF WHOLESALE WATER DELIVERY AGREEMENT EXECUTED BETWEEN THE CITY OF MIDLAND, TEXAS AND THE MIDLAND COUNTY FRESH WATER SUPPLY DISTRICT NO. 1; CONSENTING TO THE ISSUANCE OF MIDLAND COUNTY FRESH WATER SUPPLY DISTRICT NO. 1 REVENUE NOTES; AUTHORIZING THE MAYOR, THE CITY ATTORNEY, AND THE CITY MANAGER TO EXECUTE ALL DOCUMENTS IN CONNECTION THEREWITH; AND OTHER MATTERS RELATED THERETO

19. Approved a resolution authorizing an amendment to Resolution No. 2010-270 by establishing \$69,870.00 as the Fair Market Value on real property as assessed by the

Midland Central Appraisal District; such real property being Lot 8, Block 21, Midland Heights Addition, (Generally known as 1208 West New Jersey Street), City of Midland, Midland County, Texas. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 383

RESOLUTION AUTHORIZING ADVERTISEMENT FOR SEALED BIDS FOR THE SALE OF REAL PROPERTY DESCRIBED AS LOT 8, BLOCK 21, MIDLAND HEIGHTS ADDITION, (GENERALLY KNOWN AS 1208 WEST NEW JERSEY STREET), CITY OF MIDLAND, MIDLAND COUNTY, TEXAS; THE MINIMUM BID SHALL START AT \$69,870.00, THE FAIR MARKET VALUE AS ASSESSED BY THE MIDLAND CENTRAL APPRAISAL DISTRICT; AUTHORIZING THE CITY MANAGER TO PROCURE AN AGENT FOR SERVICES RELATED TO THE SALE OF SAID PROPERTY

20. Approved a resolution authorizing the execution of a Public Improvement Development Agreement for the SH 349 Corridor & Fairgrounds Rd. Corridor Traffic Impact Analysis. Said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 384

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH DR HORTON-TEXAS, LTD. FOR A TRAFFIC IMPACT ANALYSIS FOR THE STATE HIGHWAY 349 CORRIDOR AND THE FAIRGROUNDS ROAD CORRIDOR; AND DEPOSITING FUNDS THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

21. Approved a resolution authorizing City Staff to advertise for bids the Lamesa Rd. Paving Improvement project. (ENGINEERING SERVICES)

RESOLUTION NO. 2013 - 385

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE LAMESA ROAD PAVING IMPROVEMENT PROJECT; SAID PROJECT WILL BE FOR APPROXIMATELY 1.5 MILES OF RECONSTRUCTION OF LAMESA ROAD BETWEEN DORMARD AVENUE AND WALNUT LANE

22. Approved a motion on a request by Schumann Engineering Company, Inc. for the Melody Acres – Eleventh Section, to approve items requested for deferral and to waive the associated public improvement guarantee. The subject property is located at 12 Tattenham Corner, approximately 1500' west of N. Midland Drive. (ENGINEERING SERVICES)
23. Approved a resolution to accept the 2013 Texas "J"-Regional Advisory Council Grant. (FIRE)

RESOLUTION NO. 2013 - 386

RESOLUTION ACCEPTING A GRANT AWARD FROM THE TEXAS "J" REGIONAL ADVISORY COUNCIL IN THE AMOUNT OF \$9,563.00, FOR FUNDS TO BE USED BY THE MIDLAND FIRE DEPARTMENT FOR TRAINING EQUIPMENT AND SUPPLIES

24. Approved a resolution to approve a Task Order for the existing Professional Services Agreement with Parkhill, Smith and Cooper and appropriating funds. (SOLID WASTE)

RESOLUTION NO. 2013 - 387

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT TASK ORDER WITH PARKHILL, SMITH & COOPER, INCORPORATED, FOR PROFESSIONAL ENGINEERING SERVICES FOR THE CITY'S LANDFILL SOLID WASTE SUPPORT III PROJECT, AT AN ESTIMATED TOTAL COST OF \$391,600.00; AND APPROPRIATING FUNDS

17. Approved a resolution extending deadlines, approving agreements and accepting the conveyance of property. (DOWNTOWN DEVELOPMENT)

RESOLUTION NO. 2013 - 381

RESOLUTION APPROVING THE EXTENSION OF TEXAS 301 VENTURES, L.L.C.'S PROVISION OF FINANCING DEADLINE; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH TEXAS 301 VENTURES, L.L.C. REGARDING THE CITY OF MIDLAND'S ACCEPTANCE OF LOTS 7 AND 8, BLOCK 35, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (COMMONLY KNOWN AS THE BUILDING OF THE SOUTHWEST AND LOCATED AT 310 WEST TEXAS AVENUE); AUTHORIZING THE ACCEPTANCE OF SAID PROPERTY; DIRECTING THE CITY MANAGER TO OBTAIN A DEED FROM THE OWNER OF SAID PROPERTY; AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY FOR THE ACCEPTANCE OF SAID PROPERTY; AUTHORIZING PAYMENT FOR CLOSING COSTS; AND ORDERING RECORDATION

Council Member Trost moved to adopt Resolution No. 2013 - 381 with amendment to extend deadline from November 22 to February 1, 2014 and extend breaking ground until March 1, 2014; seconded by Council Member James.

Council Member Sparks seen several times and wondered how many times will do extention. Trost depends on what we vote on. Trost permits pulled; yes. Look at Section 1D saying part of agreement is that financial backing done by November 22 need to extend that and give opportunity since back and forth giving building of southwest suggest give fuel hotel peopel opportunity to secure financing. Have to have agreement signed. Need to do remdiation of asbestos.

Trost amend to give to February 1. change E break ground

Courtney Sharp in original deal points had dates. Someboyd mentioned banki for partnership was willing to go little bit further down road before making financial committments. Had already reviewed deadlines. Dates here came from Fuel foloks. November 22 secure financing dates came from applicant.

Patrick Cordero on behalf of Texas 301 LLC working on agreement for some time. one reasons for extention is didn't have agreement in hand to take to financing to get approval so everything got pushed back the original dates. So financing got pushed sitll think can kee up ground breaking date because October 15 was original financing dte. Want to take agreement to financing and ask ethem to fund us. That is why came to

extention open to idea of extention think cna keep to dtes given but if open to more time would be welcomed. Mayor better to know timelines ratehr than peace mealing. Think can break ground on by date butmore time not a problem. Morales giving report from Nichols everything was moveing forward.

Trost 29th to break ground would be an issue. Cna break ground with funds in hand but are not opposed to extending and securing loan. Morales dates suggested doesn't mean will prolong but okay with extention.

Mike Patel 3135 Los Palos Drive CA

Morales discussing deadline nov 22 and groundbreaking nov 29 . trost suggested. Patel ground breaking happen couple months earlier than march since don't have parking agreement yet financing agreement taking longer than talked. everything is in place. Already ordered fence. building has been vandlized will clean up before start asbestos. Trost feel project is going to go through but if you think March 1 is too long but this gives opportunity to do that without coming bak to City council. Done with other properties downtown. Trost does not want to change deadlines. If set in stone lets give opportunity to do final performance. sharp add that clear on section 3B states if developer does not live up to promises within this agreement then obligation for City with parking goes away. From staff perspective don't want to keep bringing back. There are milestones in exchange for building for parking this sets it in stone to have milestone for developer to accomplish. Mayor deadlines are okay. Patel those are great cna start earlier. define groundbreaking. Stretcher defined in D its got construction work performed by lic asbestos removal would constitute ground breaking. Stretcher page 2 Section 1 B that date also seems to have passed July 12, 2013 date. If going to extend than consider extending. The deadline date was hit Cordero. Acceptance is ratification of that date.

Council Member James moved to amend the motion by changing date listed in Section 1B to today's date ; seconded by .; seconded by Council Member Love.

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

Love Section 3 item E once agreement begin consider will consider granting extntion if result of delays by city or act of God. Does this request fit those parameters? Courtney depends on who you ask. Cordova agreement is not agreed to yet if when get into sigining then can get into signing that. Don't hav eagreement now. Sharp there were dates in agreement but not yet executed. Morales dates set initially were trying to be aggressive, there was concern from people in downtown. Developer understands wnat action because want clean up and get their project underway. Trost are getting ready to celan up? Cordova yes securing row permits for dumpsters.

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

18. Approved a resolution granting a variance for keeping of a horse on property located on Block 8, South 1/2 of Lot 9, 349 Ranch Estates, commonly known as 6306 Hopi Ct. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 382

RESOLUTION GRANTING A TEMPORARY VARIANCE FOR THE SOUTH ½ OF LOT 9, BLOCK 8, 349 RANCH ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS (COMMONLY KNOWN AS 6306 HOPI COURT), TO ALLOW FOR THE KEEPING OF A HORSE ON SAID PROPERTY

Love pulled rec from staff was to deny and wanted to make sure it was to deny. Steve reason is to uphold ordinances of City if you want to grant temporary variance. Love think variance is reasonable and a family member not live stock. in their eyes. sparks went out and saw horse had conditions are very well kept. Horse very happy.

Council Member Love moved to adopt Resolution No. 2013 - 382; seconded by Council Member Morales.

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

SECOND READINGS

25. Consider an ordinance on second reading on a request by Midland Community Development Corporation to vacate a 10-foot wide portion of Elm Avenue right-of-way. (Generally located on both the north and south sides of Elm Avenue between North Tyler Street and North Carver Street.) (DEVELOPMENT SERVICES) (First reading held July 10, 2013)

ORDINANCE NO. 9041

AN ORDINANCE VACATING AND ABANDONING A 0.3863-PORTION OF ELM AVENUE RIGHT-OF-WAY ADJACENT TO LOTS 1-12, BLOCK 8, AND A 0.1445-ACRE PORTION OF ELM AVENUE RIGHT-OF-WAY ADJACENT TO LOTS 11-13, BLOCK 7, ALL OUT OF LYNDSIDE NEIGHBORHOOD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON BOTH THE NORTH AND SOUTH SIDES OF ELM AVENUE BETWEEN NORTH TYLER STREET AND NORTH CARVER STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$2,312.00; WAIVING THE FEE FOR THE COST OF THE RIGHT-OF-WAY; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9041.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9041 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

26. Consider an ordinance on second reading for a City-initiated proposal for a zone change on a request by City of Midland, from MH, Manufactured Home District on Lot 1A, Block 5, and Lots 2A – 5A, & 7A, Block 4, Bizzell-Kiser, Section 5; Lot 6B, Block 4, Bizzell-Kiser, Section 6; a 0.45-acre portion of Tract 4, Bizzell-Kiser; from MH, Manufactured Home District on Lots 10A – 16A, Block 7, Bizzell-Kiser, Section 5; a 0.145-acre portion of Tract 7, Bizzell-Kiser; and from 1F-3, One-Family Dwelling District on all of Block 3, Bizzell-Kiser, Sections 4 & 5; Lots 1A, 10A – 12A, Block 4, Bizzell-Kiser, Section 5; Lots

8B & 9B, Block 4, Bizzell-Kiser, Section 6; Lot 2A, Block 5, Bizzell-Kiser, Section 5; Lots 1A – 3A, 5A – 9A, 12A – 22A, Block 6, Bizzell-Kiser, Section 5; Lots 10A & 11A, Block 6, Bizzell-Kiser, Section 4; a 0.166-acre portion of Tract 6, Bizzell-Kiser; Lots 1A & 2A, Block 7, Bizzell-Kiser, (DEVELOPMENT SERVICES) (First reading held October 8, 2013.)

ORDINANCE NO. 9190

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 5, AND LOTS 2A-5A AND 7A, BLOCK 4, BIZZELL-KISER, SECTION 5, AND LOT 6B, BLOCK 4, BIZZELL-KISER, SECTION 6, AND A 0.45-ACRE PORTION OF TRACT 4, BIZZELL-KISER, AND LOTS 10A-16A, BLOCK 7, BIZZELL-KISER, SECTION 5, AND A 0.145-ACRE PORTION OF TRACT 7, BIZZELL-KISER, AND ALL OF BLOCK 3, BIZZELL-KISER, SECTIONS 4 AND 5, AND LOTS 1A, 10A-12A, BLOCK 4, BIZZELL-KISER, SECTION 5, AND LOTS 8B AND 9B, BLOCK 4, BIZZELL-KISER, SECTION 6, AND LOT 2A, BLOCK 5, BIZZELL-KISER, SECTION 5, AND LOTS 1A-3A, 5A-9A, 12A-22A, BLOCK 6, BIZZELL-KISER, SECTION 5, AND LOTS 10A AND 11A, BLOCK 6, BIZZELL-KISER, SECTION 4, AND A 0.166-ACRE PORTION OF TRACT 6, BIZZELL-KISER, AND LOTS 1A AND 2A, BLOCK 7, BIZZELL-KISER, SECTION 4, AND LOTS 3A-9A, BLOCK 7, BIZZELL-KISER, SECTION 5, AND A 0.656-ACRE PORTION OF TRACT 7, BIZZELL-KISER, AND LOTS 1A-4A, BLOCK 9, BIZZELL-KISER, SECTION 4, AND A 0.45-ACRE PORTION OF TRACT 9, BIZZELL-KISER, AND ALL OF BLOCK 10, BIZZELL-KISER, SECTION 4, AND LOTS 1A-7A, BLOCK 11, BIZZELL-KISER, SECTION 4, AND LOT 8A, BLOCK 11, BIZZELL-KISER, SECTION 5, AND A 0.87-ACRE PORTION OF TRACT 11, BIZZELL-KISER, AND ALL OF BLOCK 12, BIZZELL-KISER, SECTION 4, AND LOTS 1A-21A, BLOCK 13, BIZZELL-KISER, SECTION 7, AND LOTS 22B AND 23B, BLOCK 13, BIZZELL-KISER, SECTION 8, AND LOTS 1A-18A, BLOCK 14, BIZZELL-KISER, SECTION 4, AND A 0.18-ACRE PORTION OF TRACT 14, BIZZELL-KISER, AND BLOCKS 45 AND 46, BELMONT ADDITION, AND ALL ADJACENT AND PREVIOUSLY VACATED RIGHTS-OF-WAY, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED MH, MANUFACTURED HOME DWELLING DISTRICT, IN PART, AND 1F-3, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED SOUTH OF EAST GIST AVENUE, BETWEEN SOUTH MAIN STREET AND SOUTH TERRELL STREET); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Adriana Moreno read caption of Ordinance No. 9190.

Council Member Love moved to approve the second and final reading of Ordinance No. 9190 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

Jim Nichols not present please note in minutes of who is as staff table.

The motion carried by the following vote: AYE: Love, Morales, Trost, Perry, James,

Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

27. Consider an ordinance on second reading ON APPEAL on a request by Kevin Leary for a zone change from PD, Planned District for a Recreation Center to a PD, Planned District for a Shopping Center, on Lot 1, Block 2, Grandridge Park Addition, Section 1, City and County of Midland, Texas. (Generally located near the northwest corner of the intersection of North Loop 250 West and Holiday Hill Road.) (DEVELOPMENT SERVICES) (First reading held October 8, 2013.)

ORDINANCE NO. 9191

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 2, GRANDRIDGE PARK ADDITION, SECTION 1, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A RECREATION CENTER, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED NEAR THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH LOOP 250 WEST AND HOLIDAY HILL ROAD); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9191.

Council Member Morales moved to approve the second and final reading of Ordinance No. 9191 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Trost asked about fencing. Said wouldn't pass without fencing. That lot of businesses is visible from shopping center is extremely visible and it doesn't look very neat. Steve behind Lowes have taken action to get back into compliance with Ordinance. Lowes has gotten outside of agreement but are on it.

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

28. Consider an ordinance on second reading on a request by Fortune Partners Properties for a zone change from LR-2, Local Retail District to PD, Planned District for a Shopping Center on Lot 1, Block 3, Lindsay Acres 2nd Section Addition, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Rankin Highway and East Stokes Avenue.) (DEVELOPMENT SERVICES) (First reading held October 8, 2013.)

ORDINANCE NO. 9192

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

STOKES AVENUE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9192.

Council Member Love moved to approve the second and final reading of Ordinance No. 9192 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

29. Consider an ordinance on second reading on a request by Chris Kawaja for a zone change from AE, Agriculture Estate District to 1F-1, One-Family Dwelling District on a 40.181-acre tract of land out of Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located between Golden Gate Drive and Avalon Drive, approximately 130 feet north of Gladiola Avenue.) (DEVELOPMENT SERVICES) (First reading held October 8, 2013.)

ORDINANCE NO. 9193

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 40.181-ACRE TRACT OF LAND OUT OF SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A 1F-1, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED BETWEEN GOLDEN GATE DRIVE AND AVALON DRIVE, APPROXIMATELY 130 FEET NORTH OF GLADIOLA AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9193.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9193 in accordance with the Charter of the City of Midland; seconded by Council Member James.

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

30. Consider an ordinance on second reading ON APPEAL on a request by Lamar Advertising / Sue Brannon for a Specific Use Permit with Term for an Electronic Billboard/Billboard Sign, on a 1.807-acre tract of land out of Section 5, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of West Loop 250 North, approximately 675 feet west of North Midkiff Road.) (DEVELOPMENT SERVICES) (First reading held October 8, 2013.)

ORDINANCE NO. 9194

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS 1.807-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 675 FEET WEST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9194.

Council Member Love moved to approve the second and final reading of Ordinance No. 9194 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

31. Consider an ordinance on second reading on a request for the vacation of a 0.025-acre portion of the alley adjacent to Lots 3 and 4, Block 17, 349 Ranch Estates, Section 3, City and County of Midland, Texas. (Generally located on the north side of Arapahoe Road, approximately 700 feet east of North State Highway 349.) (DEVELOPMENT SERVICES) (First reading held October 8, 2013.)

ORDINANCE NO. 9195

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

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9195.

Council Member Morales moved to approve the second and final reading of Ordinance No. 9195 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

32. Consider an ordinance on second reading granting to Oncor Electric Delivery Company LLC, its successors and assigns, an electric power franchise to use the present and future streets, alleys, highways, public utility easements, public ways and public property

of the City of Midland, Texas, providing for compensation therefor, providing for an effective date and a term of said franchise, providing for written acceptance of this franchise, providing for the repeal of all existing franchise ordinances to Oncor Electric Delivery Company LLC, its predecessors and assigns, and finding that the meeting at which this ordinance is passed is open to the public. (PURCHASING) (First reading held October 8, 2013.)

RESOLUTION NO. 9196

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

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9196.

Council Member James moved to approve the second of three readings of Ordinance No. 9196 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

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

PUBLIC HEARINGS

33. At approximately 10:33 A.M. hold a public hearing and consider a ordinance on a request by G. Granger Macdonald for a zone change from PD, Planned District for a Housing Development to an Amended Planned District on Lot 2A, Block 165, Wilshire Park Addition, Section 19, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Leisure Drive and Beal Parkway.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9197

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2A, BLOCK 165, WILSHIRE PARK ADDITION, SECTION 19, 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 SOUTHEAST CORNER OF LEISURE DRIVE AND BEAL 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

Interim Planning Division Manager Jim Compton gave a brief overview of the item noting expansion of Mesquite Terrance Apartments on east side of west loop 250. Now approving site plan approval. Contain 88 dwelling units in this phase. arch details identical to phase I. :&Z unan approval. staff rec approval. Love one opposition what was concerns. Compton having recently purchased home in community concern apartment sin area.

Trost clubhouse? Compton yes on first phase. Mayor Perry opened the public hearing at 10:46 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9197.

Council Member Morales moved approval of the first of two readings of Ordinance No. 9197 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

34. At approximately 10:36 A.M. hold a public hearing and consider a resolution on a request by Justin Kennard for a variance to the Subdivision Code concerning the required paving for an alley for rear entry access on Lot 2, Block 5, Suffolk Place, City and County of Midland, Texas. (Generally located on the south side of Shell Avenue, approximately 100 feet west of Sparks Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 388

RESOLUTION GRANTING A VARIANCE FOR LOT 2, BLOCK 5, SUFFOLK PLACE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF SHELL AVENUE, APPROXIMATELY 100 FEET WEST OF SPARKS STREET), BY PERMITTING ACCESS TO SAID PROPERTY FROM AN UNPAVED ALLEY THAT DOES NOT CONFORM TO CITY OF MIDLAND STANDARD SPECIFICATIONS

Interim Planning Division Manager Jim Compton gave a brief overview of the item noting wanting rear access garage installed. subdivision code says have to pave alley from parks to west edge of property. subdivision codes gives variances recommended disapproval to P&Z. They voted 6-2 to approve. Have one more in works at upcoming meeting. Until staff receives new direction will continue to supprot subdivision code. No objections from neighbors. Trost any other homes with rear entry garages.

Love looked at something similar earlier in year, that individual had unique circumstances and that one was approved with no unique circumstances. Love what is height of new addition and hsop. Compton single story. James the only difference between the one you referenced and this one is this is a living quarters. this is a garage workshop. James question is okay as long as it doesn't become a rental property.

Steve part of house but no other rear garages. Courtney there were other homes on block that had rear entry garages so that was a struggle Council had because had happened without requirement of alley. Right no no existin ggarages in alley that is the difference.

Mayor Perry opened the public hearing at 10:55 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Trost moved to adopt Resolution No. 2013 - 388; seconded by Council Member James.

Love even though this is attached to house because of door could put deadbolt lock it and think it will be a rental property personally. Trost there are people all over Midland who are renting out rooms and never hear about it. As long as not infringing on anyone, if that's what real intent not for him to guess. Courtney staff perspective reason in ordinance is for rear entry garage is for maintenance. When no garage purpose is for utilities and trash pick up. More traffic put on alleys is more maintenance will be needed. Love if would have paved alley then responsibility falls on City. Courtney have standards that alley has to be built to that minimizes maintenance. Based on alleys caliche they get potholes ever day. Mayor thinks bad ideas to have rear entry garages without paved alleys.

Mayor if vote against it and want to come back will resubmit with paved alley can do don't have to wait a year.

James is the way you can say for five years there is some kind of bonding requirement or obligation, if anybody else does this then that requirement kicks in if nobody else builds rear entry garage then it goes away. Mayor not a significant cost.

Sparks this is first one on block. last one approved let get by because other people put in garage.

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

Mayor, they can come back and reapply with paving. Love asked staff to explore possibility to have mechanism to defer paving.

MISCELLANEOUS

35. Approved a resolution appealing the Building Official's denial of a building permit for the installation of a manufactured home on Block 10, Lot 12, East Midland Addition, commonly known as 1311 Walnut Lane. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2013 - 275

RESOLUTION AUTHORIZING THE ISSUANCE OF A BUILDING PERMIT FOR THE INSTALLATION OF A MANUFACTURED HOME ON LOT 12, BLOCK 10, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (COMMONLY KNOWN AS 1311 WALNUT LANE); AND PROVIDING THAT THE ISSUANCE OF SAID PERMIT DOES NOT UNDERTAKE TO ADJUDICATE PROPERTY RIGHTS; SAID PERMIT WAS DENIED BY THE BUILDING OFFICIAL AND THIS RESOLUTION IS AN

APPEAL TO THE MIDLAND CITY COUNCIL

Council Member Sparks moved to defer until the applicant can be present; seconded by Council Member Love.

36. Consider an ordinance on a request for the vacation of the 6,000 square foot north/south alley adjacent to Lots 1 through 12, Block 41, Belmont Addition, City and County of Midland, Texas. (Generally located on the east side of Rankin Highway between West Skokes Avenue and West Wolcott Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9198

AN ORDINANCE VACATING AND ABANDONING A 6,000 SQUARE FOOT NORTH/SOUTH ALLEY ADJACENT TO LOTS 1-12, BLOCK 41, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF RANKIN HIGHWAY BETWEEN WEST STOKES AVENUE AND WEST WOLCOTT AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$600.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Jim Compton on Rankin all but one of Franchise utility companies but toncor does responsible for relocation of utilities appraisal is 10 cents st listen 11:20.

Love understand Mr. Sharp has done and appraisal district has come back at 10 cents a square foot its about 4300 dollars an acre don't think it's that price. compton use appraisal district so have consistent. sparks agree and have questions about chief appraisals just for this reason. Over on Apache it was \$1 foot and there is no way that this is 10 cents a foot. James we have conversations and each time we become the one who somehow magically decides that something is valued at something. His frustration is no more prepared to do than travel surface of moon. Whether we like it or not have to rely on somebody. Either do won appraisals and rely on the only source available that's half way free. Sometimes \$1 sometimes 10cents at end of day where do we land. Love agree 100% need to rely on those who provide. His comments are he doesn't like it. James if we don't like it lets propose something that causes us to take action.

sparks have city manager city attorney craft letter than concerned about inconsistency. Morales end result is getting a great project.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9198 in accordance with the Charter of the City of Midland; seconded by Council Member James.

Adriana Moreno read the caption of Ordinance No. 9198.

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

37. Consider an ordinance on a request for the vacation of a 0.78-acre portion of the drainage and utility easements located within Lot 1, Block 1, Horseshoe Addition, City and County of Midland, Texas. (Generally location on the north side of W. Interstate Hwy 20, approximately 1,100 feet west of Cotton Flat Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9199

AN ORDINANCE VACATING AND ABANDONING A 0.78-ACRE PORTION OF DRAINAGE AND UTILITY EASEMENTS LOCATED WITHIN LOT 1, BLOCK 1, HORSESHOE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST INTERSTATE HIGHWAY 20, APPROXIMATELY 1,100 FEET WEST OF COTTON FLAT ROAD); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$9,286.97; WAIVING THE FEE FOR THE COST OF THE EASEMENTS; AND ORDERING RECORDATION BY THE CITY SECRETARY

Jim Compton gave a brief overview of item noting located near horseshoe. drainage easement on north end of property. Their plans are to expand and build horse arena on top of it and relocate the drainage easement. need to vacate prior to going forward. Appraisal district \$9286.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9199.

Council Member Morales moved approval of the first of two readings of Ordinance No. 9199 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

38. Consider an ordinance on a request for the vacation of a 0.64-acre portion of a dedicated 80-foot public rights-of-way location within Section 35, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located northeast of W. State Hwy 158 near the west extension of Homestead Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9200

AN ORDINANCE VACATING AND ABANDONING A 0.64-ACRE PORTION OF A DEDICATED 80-FOOT PUBLIC RIGHT-OF-WAY LOCATED WITHIN SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF GRASSLAND ESTATES, SECTION 7); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$226.00; WAIVING THE FEE FOR THE COST OF THE RIGHT-OF-WAY; RETAINING A PUBLIC UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Interim Planning Division Manager Jim Compton gave an overview of the item noting an item pending on the vacation of right-of-way. As subdivision develop it was discovered would not be collector street. so requesting portion of 80 foot row. They will be granting far more row with plat so rec waive fee.

Deputy City Secretary read the caption of Ordinance No. 9200.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9200 in accordance with the Charter of the City of Midland; seconded by Council

Member Morales.

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

39. Consider an ordinance designating and approving parking spaces on the west side of a portion of Idlewilde Drive north of Princeton Avenue as reserved for the parking of motor vehicles operated by law enforcement officers. (ENGINEERING SERVICES)

ORDINANCE NO. 9201

AN ORDINANCE DESIGNATING AND APPROVING PARKING SPACES ON A PORTION OF THE WEST SIDE OF IDLEWILDE DRIVE FROM A POINT 265 FEET NORTH OF THE NORTH CURB LINE OF PRINCETON AVENUE AND CONTINUING NORTH A DISTANCE OF 140 FEET AS RESERVED FOR THE PARKING OF MOTOR VEHICLES OPERATED BY LAW ENFORCEMENT OFFICERS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO ERECT APPROPRIATE SIGNS; DECLARING ANY VEHICLE IN VIOLATION OF THE PROVISIONS OF THIS ORDINANCE A NUISANCE AND PROVIDING FOR THE REMOVAL OF SAME; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Traffic Division manager Gary Saunders gave a brief overview of the item noting request similar to Midland County Courthouse for parking saturation of parking of businesses for security people parking in front of business so hwole portion of property is law enforcement only. Property is long term lease.

Love what is north and south? Gary north is oil company and their employees are one saturating parking area.

Wes this area where complaining about speeding nad requesting speed bumps. Gary with petition can put in rmble strips.

Trost what will do to company who has been using street for parking? do they have adequate parking. Gary they will put employees back on parking are aon site. on street parking very handy.

Deputy City Secretary Adriana Moreno read the caption of Ordinance No. 9201.

Council Member Morales moved approval of the first of two readings of Ordinance No. 9201 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

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

James clean up when took action on Planning & zoning inadvertently added Becky Ferguson as sitting P&Z nto knowing no seats available correct that and list as alternate because already filled Royce Watkins seat. James motion. James move Becky

Ferguson to alternate on P&Z

Trost appoint John Rogotzke to Permian Basin Airport Board and appoint for Snyder and Kelly Snyder to Animal Services to reappoint/ Morales and change Becky to alternate on P&Z/ 5-1 Sparks

EXECUTIVE SESSION

41. 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.

b. Section 551.074 Personnel Matters

b.1. Deliberate the employment, evaluation, compensation and duties of the Municipal Court Presiding Judge and the Municipal Court Associate Judge.

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

PASSED AND APPROVED the ____ day of _____, ____.

W. Wesley Perry, Mayor

ATTEST:

Amy M. Turner, City Secretary