

**MIDLAND CITY COUNCIL
MINUTES
November 03, 2015**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on November 03, 2015.

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

Council Members absent: None.

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

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at ____ a.m., November 03, 2015.

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

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

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:02 a.m.

1. Invocation - Pastor Jon Slayden, Second Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

None.

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

PUBLIC COMMENT

Lisa Pittman, Tx Division of of Labor short presentation about our services. Vocation rehab couelor work with people with disabilities that impede emplyment. point is to help individ stay in workplace offer various services, through coueseling , empl svcs, help with medical conditions and treaments to help stay in workplace services freee of charge but do look at some financial infomation. 3401 N. A

Brayden Wood 3519 Humble, Bataan Death March WWII. Officially a project aht any un it can take a part. Requesting to waive fee forr Grande and opening up to GRTC in TX and military bases in STaate of TX. All profits will go to charities can only take what will break even. Two local and two national charities. Trying to get fee waived for grande to pay tribute to thousands who ddied in Bataan Death March, April. Lacy asked for him to call to help. Been iin touch w Sgt Lee at Midland PD and Mike Struttz with TXDOT.

Joyce Taylro 1213 Chukar Lane, here in #27 dont' have problem with building this bu tproblem with not getting proper permits. In that location considerable housing project going. Selel house and get another compnay. If do this for him are we going to open it upp for everybody to build close to the road? Manicured yard well kept but he idea of building so close to road is a problem.

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

CONSENT AGENDA

Council Member Sparks moved to approve Consent Agenda items 6 - 17 excluding 5, a, b, 8, 14; 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.

6. Approved a resolution authorizing advertisement of a Request for Qualifications (RFQ) for on call engineering services for the Utilities Department; authorizing the City

Manager to negotiate professional services agreements for said services; and providing that said agreements shall not become effective until approved by City Council. (PURCHASING)

RESOLUTION NO. 2015 - 353

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES FOR ON CALL ENGINEERING SERVICES FOR THE UTILITIES DEPARTMENT; AUTHORIZING THE CITY MANAGER TO NEGOTIATE PROFESSIONAL SERVICES AGREEMENTS FOR SAID SERVICES; AND PROVIDING THAT SAID AGREEMENTS SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL

7. Approved a resolution approving specifications and authorizing advertisement for bids for the Edgewood Booster Station Rehabilitation East and West Ground Storage Tanks Water System Improvements project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2015 - 354

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE EDGEWOOD BOOSTER STATION REHABILITATION EAST AND WEST GROUND STORAGE TANKS WATER SYSTEM IMPROVEMENTS PROJECT FOR THE UTILITIES DEPARTMENT

9. Approved a resolution approving the purchase of three (3) 29 cubic yard commercial side loader refuse truck bodies from Kann Manufacturing Corporation through the Houston-Galveston Area Council (H-GAC) for \$305,292.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2015 - 356

RESOLUTION APPROVING THE PURCHASE OF THREE (3) 29 CUBIC YARD COMMERCIAL SIDE LOADER REFUSE TRUCK BODIES FROM KANN MANUFACTURING CORPORATION THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$305,292.00

10. Approved a resolution approving the purchase of one (1) Spartan four (4) door custom full tilt aluminum cab pumper, stainless steel body, single axle, 1,250 gallons per minute pump, mid-mounted fire truck from Metro Fire Apparatus Specialists, Inc. through the Houston-Galveston Area Council (H-GAC) for \$661,950.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2015 - 357

RESOLUTION APPROVING THE PURCHASE OF ONE (1) SPARTAN FOUR-DOOR CUSTOM FULL TILT ALUMINUM CAB PUMPER, STAINLESS STEEL BODY, SINGLE AXLE, 1,250 GALLONS PER MINUTE PUMP, MID-MOUNTED FIRE TRUCK FROM METRO FIRE APPARATUS SPECIALISTS, INC., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$661,950.00

11. Approved a resolution approving an Interlocal Agreement with the local government purchasing cooperative operating as the Education Service Center-Region 19 Allied States Cooperative. (PURCHASING)

RESOLUTION NO. 2015 - 358

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE LOCAL GOVERNMENT PURCHASING COOPERATIVE OPERATING AS THE EDUCATION SERVICE CENTER-REGION 19 ALLIED STATES COOPERATIVE

12. Approved a motion approving a Memorandum of Understanding between the Federal Aviation Administration (FAA) and the City of Midland for a Preliminary Design Reimbursable Agreement for the Runway 16L/34R Extension at Midland International Air & Space Port in Midland, Texas, and that the sum of \$50,000 is hereby appropriated from the Airport Operating Fund (500500) Unappropriated Fund Balance (35650) to the FAA Preliminary Design Project (900200-500). (AIRPORTS)
13. Approved a resolution approving the Midland Development Corporation's funding of an economic development project located in Midland County pursuant to Chapter 501 of the Texas Local Government Code. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2015 - 359

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND TENARIS GLOBAL SERVICES (U.S.A.) CORPORATION, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

15. Approved a resolution authorizing the execution of an Independent Professional Consultant Contract with Frances Stapp to provide curator management and other services to the Heritage District. (COMMUNITY SERVICES)

RESOLUTION NO. 2015 - 361

RESOLUTION AUTHORIZING THE EXECUTION OF AN INDEPENDENT PROFESSIONAL CONSULTANT CONTRACT WITH FRANCES STAPP TO PROVIDE CURATOR MANAGEMENT AND OTHER SERVICES TO THE HERITAGE DISTRICT

16. Approved a resolution authorizing the City Manager to negotiate and acquire any Right-of-Way or Easement necessary for public use along the proposed COMPASS Paving Project in south central Midland. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 362

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, ANY REAL PROPERTY INTERESTS NECESSARY OR APPROPRIATE, BY ANY INSTRUMENTS OF CONVEYANCE NECESSARY OR APPROPRIATE, FOR THE USE AND BENEFIT OF THE PUBLIC FOR STREET, ROAD, PEDESTRIAN ACCESS, DRAINAGE AND PUBLIC UTILITY PURPOSES, AND FOR ANY OTHER ANCILLARY PUBLIC USE AS IS USUAL AND CUSTOMARY IN CONNECTION THEREWITH, FOR THE CITY OF MIDLAND PAVING: ALLEYS, STREETS, AND SIDEWALKS ("COMPASS") PROJECT FROM A POINT AT OR NEAR THE INTERSECTION OF SOUTH BAIRD STREET AND EAST GIST AVENUE TO A POINT AT OR NEAR THE INTERSECTION OF SOUTH BAIRD STREET AND EAST LONGVIEW AVENUE; FROM A POINT AT OR NEAR THE INTERSECTION OF SOUTH FORT WORTH STREET AND EAST GIST AVENUE TO A POINT AT OR NEAR THE INTERSECTION OF SOUTH FORT WORTH STREET AND EAST PECK AVENUE; FROM A POINT AT OR NEAR THE INTERSECTION OF SOUTH TERRELL

STREET AND EAST GIST AVENUE TO A POINT APPROXIMATELY 150 FEET SOUTH OF THE INTERSECTION OF SOUTH TERRELL STREET AND EAST LONGVIEW AVENUE; FROM A POINT AT OR NEAR THE INTERSECTION OF EAST MONTGOMERY AVENUE AND SOUTH FORT WORTH STREET TO A POINT AT OR NEAR THE INTERSECTION OF EAST MONTGOMERY AVENUE AND SOUTH TERRELL STREET; FROM A POINT AT OR NEAR THE INTERSECTION OF WEST MONTGOMERY AVENUE AND SOUTH GOODE STREET TO A POINT AT OR NEAR THE INTERSECTION OF WEST MONTGOMERY AVENUE AND RANKIN HIGHWAY; FROM A POINT AT OR NEAR THE INTERSECTION OF EAST HICKS AVENUE AND SOUTH TERRELL STREET TO A POINT AT OR NEAR THE INTERSECTION OF EAST HICKS AVENUE AND SOUTH LAMESA ROAD; FROM A POINT AT OR NEAR THE INTERSECTION OF EAST TAYLOR AVENUE AND SOUTH MINEOLA STREET TO A POINT AT OR NEAR THE INTERSECTION OF EAST TAYLOR AVENUE AND SOUTH LAMESA ROAD; FROM A POINT AT OR NEAR THE INTERSECTION OF WEST RHODE ISLAND AVENUE AND COTTON FLAT ROAD TO A POINT AT OR NEAR THE INTERSECTION OF WEST RHODE ISLAND AVENUE AND SOUTH L STREET; FROM A POINT AT OR NEAR THE INTERSECTION OF WEST NEW JERSEY AVENUE AND WEST RHODE ISLAND AVENUE TO A POINT AT OR NEAR THE INTERSECTION OF WEST NEW JERSEY AVENUE AND SOUTH GARFIELD STREET; FROM A POINT AT OR NEAR THE INTERSECTION OF SOUTH N STREET AND WEST FLORIDA AVENUE TO A POINT AT OR NEAR THE INTERSECTION OF SOUTH N STREET AND WEST CARTER AVENUE; FROM A POINT AT OR NEAR THE INTERSECTION OF EAST LONGVIEW AVENUE AND SOUTH BAIRD STREET TO A POINT AT OR NEAR THE INTERSECTION OF EAST LONGVIEW AVENUE AND SOUTH TERRELL STREET; FROM A POINT AT OR NEAR THE INTERSECTION OF WEST STOKES AVENUE AND SOUTH MAIN STREET TO A POINT AT OR NEAR THE INTERSECTION OF WEST STOKES AVENUE AND SOUTH BAIRD STREET; AND FROM A POINT AT OR NEAR THE INTERSECTION OF WEST

17. Approved a resolution to approve and appoint volunteer candidates from the Citizens Police Academy Alumni as volunteers enforcing parking restrictions. (POLICE)

RESOLUTION NO. 2015 - 363

RESOLUTION APPOINTING INDIVIDUALS TO SERVE AS VOLUNTEERS TO ENFORCE PARKING RESTRICTIONS AS AUTHORIZED BY CHAPTER 681 OF THE TEXAS TRANSPORTATION CODE

5. Approved a motion approving the following minutes:

Council Member Lacy moved to approve Approved a motion approving the following minutes;; seconded by Council Member Dufford.

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

Special meeting of October 19, 2015.

Council Member Lacy moved to approve Approved a motion approving the following minutes;; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales,

Dufford, Lacy. NAY: None. ABSTAIN: Robnett. ABSENT: None.

Regular meeting of October 20, 2015.

Council Member Lacy moved to approve Approved a motion approving the following minutes;; seconded by Council Member Dufford.

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

8. Approved a resolution approving plans and specifications and authorizing advertisement for bids for four (4) multi-purpose athletic fields at the Scharbauer Sports Complex for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2015 - 355

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR FOUR (4) MULTI-PURPOSE ATHLETIC FIELDS AT THE SCHARBAUER SPORTS COMPLEX

Lacy pulled in support why did it take year to get to point of bid. Laurie about 2 months to get contracts in place. along process. Robnett extensive. sitll ons chedule to have open by aug.

Love what is total of project. about to spend \$3m. Laurie. oproj bud 3.027,000 consultant fees out of that construction 3.4 turf 1.8 restroom 300,000 and constructions plans 1.3 total to budget available.

Love get concept 3.4 is construcion now doing infrastructure, grading, concrete rpep everything except turf and building. asking for total of 3.4

Council Member Lacy moved to adopt Resolution No. 2015 - 355; 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.

14. Approved a resolution approving the 2016 City Council Meeting Dates. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2015 - 360

RESOLUTION ESTABLISHING THE DATES OF THE REGULAR CITY COUNCIL MEETINGS TO BE HELD DURING THE CALENDAR YEAR 2016

Council Member Lacy moved to adopt Resolution No. 2015 - 360 with amendment to change November to 8th and 22nd; 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

18. Consider an ordinance on second reading a request by Hawtex Limited Partnership for a zone change from PD, Planned District for a Transition District, to LR-2, Local Retail District, on Lot 1A, Block 7, Claydesta Plaza, Section 3, City and County of Midland, Texas (Generally located on the north side of West Wadley Avenue, approximately 240-feet west of Desta Drive.) (DEVELOPMENT SERVICES) (First reading held on October 20, 2015.)

ORDINANCE NO. 9498

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 7, CLAYDESTA PLAZA, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT, TO BE USED AS AN LR-3, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 240 FEET WEST OF DESTA DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9498.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9498 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.

19. Consider an ordinance on second reading on a request by AMF Bowling Centers, Inc. for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bowling center, on Lot 1, Block 41, Fairmont Park Addition, Section 2, City and County of Midland, Texas (Generally located northeast of the intersection of W. Loop 250 North and Holiday Hill Road.) (DEVELOPMENT SERVICES) (First reading held on October 20, 2015.)

ORDINANCE NO. 9499

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9499.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9499 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Sparks are we going to alve this at 9 a.m.

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

20. Consider an ordinance on second reading on a request by Justin Brooks for a zone change from PD, Planned District for a Recreational Center, to O-1, Office District, on Lot 1, Block 11, Kimber Lea Addition, Section 11, City and County of Midland, Texas (Generally located northeast of the intersection of Midkiff Road and Maxwell Drive.) (DEVELOPMENT SERVICES) (First reading held on October 20, 2015.)

ORDINANCE NO. 9500

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 11, KIMBER LEA ADDITION, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A RECREATION CENTER, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF MIDKIFF ROAD AND MAXWELL DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9500.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9500 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

21. 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 20, 2015.)

ORDINANCE NO. 9501

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9501.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9501 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.

22. Consider an ordinance on second reading establishing yield right-of-way signs at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES) (First reading held on October 20, 2015.)

ORDINANCE NO. 9502

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9502.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9502 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.

23. Consider an ordinance on second reading amending Title X, "Traffic Regulations", Chapter Four, "Traffic Control Devices", Section 11, "School Zones and Crossings", of the Midland City Code, so as to designate each school zone and school crossing within the City and regulate the speed and movement of traffic therein; authorizing and directing the Traffic Engineer to install appropriate signs and markings; repealing Ordinance No. 9473; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES) (First reading held on October 20, 2015.)

ORDINANCE NO. 9503

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER FOUR, "TRAFFIC CONTROL DEVICES", SECTION 11, "SCHOOL ZONES AND CROSSINGS", OF THE MIDLAND CITY CODE, SO AS TO DESIGNATE EACH SCHOOL ZONE AND SCHOOL CROSSING WITHIN THE CITY AND REGULATE THE SPEED AND MOVEMENT OF TRAFFIC THEREIN; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 9473; CONTAINING A CUMULATIVE CLAUSE;

CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9503.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9503 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

24. Consider an ordinance on second reading adopting the 2015 International Fire Code, with amendments; as the fire code of the city of Midland. (FIRE) (First reading held on October 20, 2015.)

ORDINANCE NO. 9504

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9504.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9504 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.

PUBLIC HEARINGS

25. Hold a public hearing regarding a proposed oil and gas permit to Trail Ridge Energy Partners II LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Willow Lakes 191H) located 250 feet from the North line and 1,130 feet from the West line located in Section 19, Block 38, T-1-S, T&P RR. Co. Survey, City and County of Midland, Texas (Generally located off Fairground Road Extension and East Mockingbird Lane extension.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Ron Jenkins check title gave a brief overview of the item noting new

company been to o7g reviewed and approved with request for additional pit size and var for frac pit. no loj. fire marshal met. ne company or first app in midland. ron first app in midland. reps here if like to sepak.

Mayor Morales opened the public hearing at 10:23 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

26. Hold a public hearing and consider an ordinance on a request by Hilton Garden Inn for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, on Lot 8, Block 2, Westridge Park Addition, Section 20, City and County of Midland, Texas (Generally located northwest of the intersection of Deauville Boulevard and North Loop 250 West.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9505

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 8, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 20, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF DEAUVILLE BOULEVARD AND NORTH LOOP 250 WEST), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9505.

Development Services Director Chuck Harrington gave a brief overview of the item noting amendment to sup for alco bev. original was 9020 which limits seating in lounge to ?? `10:25 what asked for is have additonal 4 sets in pool and reduce days and hours to m-f7 -12 s 7-1 sun 10-12. nos chools or church 300 ft no loj. Lacy they get more hours of operating by selling at 7 a.m.

Mayor Morales opened the public hearing at 10:25 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Lacy not in support of 7 a.m. went through rec 9 a.m. mon through sat. Love this is hotel and sometimes llike tohave mimosa with breakfast. dont' think you;'re going othave drunks coming ot hilton to get boozed up. don't share concerns love.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9505 in accordance with the Charter of the City of Midland with change of hours of starting time 9:00 a.m. m-s; 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.

27. Hold a public hearing and consider an ordinance on a request for a Special Exception to the Zoning Code concerning the front yard setback and construction standards for

accessory structures on Lot 2, Block 1, Quail Ridge Addition, Section 2, City and County of Midland, Texas (Generally located on the west side of Chukar Lane, approximately 400-feet north of East Business Interstate Highway 20.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9506

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 2, BLOCK 1, QUAIL RIDGE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF CHUKAR LANE, APPROXIMATELY 400 FEET NORTH OF EAST BUSINESS INTERSTATE HIGHWAY 20), BY PERMITTING AN ENCROACHMENT INTO THE REQUIRED FRONT YARD SETBACK FOR AN ACCESSORY STRUCTURE; 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 Karla Mata read the caption of Ordinance No. 9506.

Development Services Director Chuck Harrington gave a brief overview of the item noting request is unique issues. Property is included in zoning for quail ridge. created problems because issue on set back. Home is 71 feet from back property line there is utility pipeline easement which restricts ability to use back yard for a structure. proposing to place structure just forward of house. Still 56 feet from the front property line and staff due to existence of easement on property would rec granting special exception for that portion. The second are relative to size and materials. The size would not allow to build this size structure. if he had zoning AE he could do. He cannot zone to AE because undersize. That restricts size of structure. No hardship and hard for staff to support. Final thing is materials that can be used in his zoning district restrict cannot use standard metal panels on all size. Love this is PD with underlying zoning of 1F3. Love it is a PD so Council has auth to make changes. Chuck staff cannot support materials he does welding but all alone doesn't justify from staff to create hardship. Dufford the picture nearby existing non conforming use is this similar to what he is proposing. Next door 100 feet away is AE and he is out of AE. Love the history of this tract has been unique. Sparks looking at zoning it is definitely AE to north and east west is quail ridge which is a PD. Sharp those two lots were the original show homes for quail ridge so that is why it was included. Love before quail ridge came were those two lots zoned AE? Chuck didn't know.

Mayor Morales opened the public hearing at 10:35 a.m.

Charles Gerdes, 2502 Quail Point? Justin Gerdes, blue shirt just trying to get this handled correctly would like all talk about very unique case and this is reason why did not foresee problems. though wouldn't be big deal. Bought big property to put external structure because of hobbies and toys. Trying to get taken care of the right. Love in comment with respect to other pieces of property with exact same structure materials. All up and down his street there are at least 4 metal buildings directly to the south of him. His house does not face the street. Love address with respect to safety in building. To fireproof inside min of \$67/square foot. Best thing to do is put a metal building up. Welding since 11 years old.

There being no one else wishing to speak, the public hearing was closed at 10:39

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9506 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.

28. Hold a public hearing and consider an ordinance on a request by Haskell Restaurant Group, LLC for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 2,316-square foot portion of Lot 15F, Block 40, Fairmont Park, Section 40, City and County of Midland, Texas (Generally located on the north side of West Wadley Avenue, approximately 250-feet west of Sagemont Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9507

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 2,316-SQUARE FOOT PORTION OF LOT 15F, BLOCK 40, FAIRMONT PARK, SECTION 40, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 250 FEET WEST OF SAGEMONT DRIVE), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A 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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9507.

Development Services Director Chuck Harrington gave a brief overview of the item noting Dickies BBQ pit on West Wadley. First time had to be allowed to serve in their area rest 1900 sq ft floor patio 916. Total 1440. they would be limited to 75 seats. Patio Area needs to be screened of limited access per TABC rules. Since SUP for rest in sales will not be permitted in drive through. Their hours are 10-90 sun throughs at. no loj.

Mayor Morales opened the public hearing at 10:42 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9507 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.

29. Hold a public hearing and consider an ordinance on a request by RJ Daum, RPLS for a Specific Use Permit without Term for a utility storage facility on a 5.01 acre portion of Lot

1, Block 14, Oxford Heights, Section 4, City and County of Midland, Texas (Generally located approximately 570-feet east of Midland Drive, approximately 460-feet north of Illinois Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9508

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 5.01-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 14, OXFORD HEIGHTS, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 570 FEET EAST OF NORTH MIDLAND DRIVE AND APPROXIMATELY 460 FEET NORTH OF WEST ILLINOIS AVENUE), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR UTILITY STORAGE; 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 Karla Mata read the caption of Ordinance No. 9508.

Development Services Director Chuck Harrington gave a brief overview of the item noting indoor climate control storage with drive thru slots for people to unload storage material. Requires special use permit without term. Will repurpose building provided with breakdown of how proposing to do units. Not large than 300 sq ft. site plan shows mgmt dwelling on site. Only allowed to be on site overnight. per approval for sup without term with following cond that use and dev shall conform to attached site plan only one res bldg allowed no ind storage exc 300 sq ft. ext bldgs be one hour fire rated. Lacy what does outside look like? Chuck only have photo ask applicant more detailed. propose to clean up and working on repairs. Lacy parking lot.

Mayor Morales opened the public hearing at 10:45 a.m.

R.J. Ory North Pecos Daum, in other structures around state of Texas they bring older buildings up to conformance going through arch and site plans for finishes etc. quite successful at it. Committed to whatever finish is needed to enhance that area. Love you said other properties. Daum in general worked on other properties outside of Midland. Lacy want to make sure won't just slap a coat of paint on it. When bldg dept wants to put arch res on it. Lacy any plans with parking lot. Daum the safety aspect of parking lot conceptual plans working overall use of it. That isn't fully developed they are committed to safety of it. Lacy drive vehicle into facility. daum yes. lacy welcome change what to make sure aesthetics are comparable to area. Love staff made comment about other development. do you plan on putting anything else? Daum planned on some other conceptual idea. don't know what are economically will support yet. Envision village aspect retail mixed use to bring up. Orig offered to purchase quite a bit from neighbor but decided to wait. Morales trip to north don't own. Daum not yet. Chuck zoned LR2.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9508 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

There being no one else wishing to speak, the public hearing was closed at 10:50 p.m.

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

30. Hold a public hearing and consider a resolution on a request by Joe L. Smith / Oregon Trail Trees for a Temporary Land Use Permit for Outdoor Christmas tree sales on the remainder of Lot 1, Block 1, Scotsdale Addition, Section 2, City and County of Midland, Texas (Generally located on the west side of North Midland Drive, approximately 160-feet south of West Dengar Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 364

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR OUTDOOR CHRISTMAS TREE SALES ON LOT 1, BLOCK 1, SCOTSDALE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDLAND DRIVE, APPROXIMATELY 160 FEET SOUTH OF WEST DENGAR AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Develeopment Services Director Chuck Harrington gave a brief overview of the item noting these individuals come in every year renewal coming in at same location. fenced int rees hours 10-10 every night. rec approval.

Council Member Love moved to adopt Resolution No. 2015 - 364; seconded by Council Member Robnett.

Mayor Morales opened the public hearing at 10:52 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

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

31. Hold a public hearing and consider an ordinance amending Title V, "Business Regulations", of the City Code of Midland, Texas, by establishing Chapter 12, "Transportation Network Companies", so as to establish a program to register and regulate transportation network companies within the City of Midland; negating and dispensing with the culpable mental state requirement; providing for a maximum penalty or fine of five hundred dollars (\$500.00); containing a cumulative clause; containing a savings and severability clause; ordering publication; and establishing an effective date of January 1, 2016. (CITY ATTORNEY'S OFFICE)

ORDINANCE NO. 9509

AN ORDINANCE AMENDING TITLE V, "BUSINESS REGULATIONS", OF THE CITY CODE OF MIDLAND, TEXAS, BY ESTABLISHING CHAPTER 12, "TRANSPORTATION NETWORK COMPANIES", SO AS TO ESTABLISH A PROGRAM TO REGISTER AND REGULATE TRANSPORTATION NETWORK COMPANIES WITHIN THE CITY OF MIDLAND; NEGATING AND DISPENSING WITH THE CULPABLE MENTAL STATE REQUIREMENT; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE;

ORDERING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2016

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9509.

Assistant City Attorney Nicholas Tulet Crump gave a brief overview of the item noting a couple of months ago a company by name of UBER began operating in Midland. Technology company that arranges for hire transportation between their contract drivers and customers. Need to be welcomed and regulated. welcomed because haven't seen and reg due to for hire ?? 10:53. Asked to reg companies. Present ord that will provide ord tran network companies a place to operate in midland while ensuring safety of riders who want to take advantage of their services. 3 parts first 2 reg co and drivers third part reg certain acts that don't fit well within the first two. In first part regulates first part specific any business plan through resitration mechanism. Have to apply for a permit and pay fee of \$3000 to reimburse city for reimbursed admin cost. Having company is info we would get from these companies. Names of drivers proof of proper insurance how charge customers and how to spend alcohol and drug abuse among contract drivers. It is important to note that once company applies for permit good for one year fee of \$3000 has to be renewed every year. Request five driver spec every 6 months. Second part seeks to regulate drivers themselves. Do this through application and licensing process. drivers come to city apply for tnc vehicles license so use uber app to pick up drivers and take in city. names, address tax id info, crim history info as well as cert copy of driving record. Love criminal for info purp only or a standard? If someone has felony won't be allowed to drive. Nicholas there are spec standards in ord. They do national state and local criminal history on all of their drivers but have not seen any of their drivers. For taxi tried very carefully to provide Uber and taxi drivers a sense of equality. taxi drivers have to go through same reg. taxi companies have to maintain certain spec for drug testing and for vehicles and tried to incorporate various same standards in. \$25 fee and undergo criminal background. City will not be drug testing. but have good indication from company on what programs to discourage those types of abuse issues substance. Last one is misc. catchall provision. Drivers cannot pick up at airport, another one is what is displayed to passengers on phone and taxicab vehicle cannot operate at a transportation network vehicles. Nicolas yes barrier placed between taxicab and tnc companies. Morales speaking to vehicle itself regulation on upkeep of vehicle. Nicholas same as under taxi right no can be issued vehicle license is over 9 years old or over 150,000 miles. Hotchkiss what about not being able to pick up at airport. Nicholas may municipality have restr on what can do at airport. This is a policy because taxis in town incur cost in being able to pick up at airport and requires permit in and of itself. Wanted to be fair to those taxi companies. Morales does Odessa have this. Not to his knowledge. John since got from they are waiting for Midland to take lead. Love what happens if someone in Odessa decided to Uber and want to come into Midland. Nic can for completing transaction but if not licensed her cannot pick anyone else up. Mayor what is penalty? Nicolas up to \$500. Love if approved how do you enforce nonconforming uses? Any mechanism to make sure Uber drivers are doing what supposed to be doing. Nicolas right no in Ordinance provisions and violations would be result of self report. If someone notices don't have picture report to city and investigate. There in talk amongst some of colleague city attorney about certain provisions enforced proactively such as picking up drivers and have officer in plain clothes request ride. Ordinance does not work on proactive enforcement. Dufford dynamic pricing so during peak time how can you prohibit pricing model from taking affect? Lacy rider is

aware of what fee is before picked up. Love if obtain TMC license form city is there anyway citizens can identify has a TNC license? Nicholas not right now but can put in later. Love seems like it would make enforcement easier. Mayor is local management here? Nicolas indication is no. Rep in Austin flight cancelled. Seems like a fluid organization. Love seem to be very responsible drunk passenger beat up Uber driver had guy arrest and banned him from using Uber ever again. Using technology to enforce safety. Lacy thanked City attorney for putting together fair and balanced ordinance that new type of company to help individual drink and drive off road. Got together great ordinance that City of Odessa will take lead.

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

Charles Hodges, 2502 Quail Point, as CEO of stop DWI and individual citizen here to endorse the proposed ordinance not any particular company. Interest in speaking is to endorse ordinance in the respect that public safety. In particular services provided such as designated driver. That would be concern overall public safety and another provision for regulating that public service to community especially for designated drivers. When it comes to keeping roads safe from impaired or distracted drivers organization shows support to any individual company or organization that can meet the standards.

Ryan Cooper, Odessa manager of Morro limo service have not have some sort of decal on vehicle how are they going to be regulated so visibility. Can anybody download app and be a driver arrive in unmarked car? One thing to identify a driver but vehicle needs to be identified. John decide to identify vehicle. Think his question is standing on vehicle how identify that car? Robnett they give you license plate make model and picture of car and picture of driver's face. If you're looking at that are you taking those magnetic sticker on door something can be recognized. It's a different type of model Lacy gone a step further than most other cities. Decal with badge inside the vehicle. Why do you need more worked all over the world. Ryan for taxi service if one of vehicles were to fall off could they run that taxi. Robnett understand point Uber is agreeing to provide license plate color make model picture of driver. You can track the vehicle you can see how far away user friendly and certain level of safety. Name and phone. Nicolas don't know do or don't in LA have to have Uber decal on inside of windshield. Love people feel safe because they have all info have the license make and GPS showing. Robnett you can notify someone that entered a Uber and they can track vehicle. Ryan app doesn't

Jose Mateus, 2509 Uber Lane, manager of ? 11:14 every competition is welcome and makes everyone better. Have to find ways to compete and serve the public. Couple of concerns about drug testing background checks. Since a private contractors they fall into different category of this kind of checks. Their company program of drug testing every month every 6 months required by dept of trans. one month random 6 months everyone. Also deal with accidents or near miss. Lacy under this ordinance Uber does too. Lacy you have to supply program but not results. This addressed through ordinance. Mateus same thing with background check for private contractors in different category. How is city going to enforce. We regulated anyone can come and audit how audit Uber if they don't have an office or rep here? You talking 3000 license. That's just for Uber. Do they have to have own license pay own license each individual should have to pay. Do you have over 15 vehicle in fleet, yes. Jose what about insurance and will it be enforced. Lacy have you looked at Ordinance and see how much it compares to taxi. It's easier to audit a company that is electronic rather than having to go to location. Not allowed to pick up at airport police officer.

Abraham Khodiar, first point is sign magnetic for uber cost for airport regulations cannot run at airport without sign and numbers. Any cab to pick up customer. Uber picks up at airport don't know if Uber or private sign. Love not allowed to pick up at airport and gps will show if picking up at airport. Love ordinance doesn't exist this is regulating. Already have some friends for cab business we cannot pick up any customer without running meeting so now cab running with Uber. Uber charge less and our meter is higher have to go with price schedule. like someboyd. Don't see it as fair competition.. Lacy Uber will not be able to pick up at airport. Abraham have month inspection for vehicle driver, insurance everything. The monthly inspection have to go to airport to pay fee. ONLY different shot once at year Dufford from practical standpoint in hotel taken cab and couldn't get cab home is from exact same point charges more than cab driver does. Think charge little more than cab driver would and don't have to tip them. HI is exper cab or uber. Robnett chepaer. Second point another license have 7 years in Odessa 9 years in Midland what is year for Uber cost some driver working and running with Uber. have to take fleet or hire new cars. Love that is in Ordinance can't allow car older than more than 9 years or 150,000 miles. Third point is asking every 6 months to check up on vehicle inspection don't know if same regulations and drug testing. Ohnmiller have to submit plan usst like taxi.

Thomas Sie, 4003 SCR 1294, glad regulating TNC but a little bit too late. Have to pay \$200 per vehicle per year. But right now in Midland 8 but may have 20 but if only have to pay \$3,000 that is not fair. Can leave self also. Freedom of pay is not balanced. Second is about app member of taxi just got meeting last week in LV this problem app they using are all taxi using same app. There are a lot of apps how about if taxi here in Midland using same app do we need to put sign? Lacy can operate at taxi or Uber cannot use both. Love the way word is written now have to use a sign. If taxi drivers have technology have that satisfies spirit of law then submit app to change that. Sparks think idea of this ordinance if capable of being under a tnc it doesn't say that its Uber. If he's got technology that allows him to be under transportation network he would be allowed to do that but still not allowed to pick up at airport.. Lacy deregister and. Love if Uber driver Uber pays \$3000 but if from company of tnc then we have to pay. Thomas. third point is pricing because can keep lowering price until die but hope city can control pricing.. Love that thing about uber it is negotiated price it can go down and can also go up. Sometimes not want to wait but rather pay more to go to destination. Robnett convenience, and immediate. Sparks Mr. Sie makes point if taxis having regulated price and telling them what they have to charge which he is intimating that Uber undercut until taxi out of business. Dufford that is not their MO. John when get in taxi cab captive participant at mercy of meter where it ends up that is what I owe. With Uber you know before you get it. Lacy took a ride because driver did not take a route desirable agreed and cut ride in half. People at airport because can't get airport. Increased competition is good. Lacy told taxi companies to make more desirable. Thomas affecting our business by 25%. Lacy go into affect January 1 takes two readings. Thomas fourth point hope city of checking vehicle check every month.

Husein Badmaax, 5202 Rio Grande, not getting fair competition. Pay every month commercial insurance, they are not. Everybody coming in do couple of hours and go home. They are professional drivers background, fraud, experienced drivers, If a person goes long way customer complaint and they will get a ticket. They will get a refund. Some here for 20-30 years these people built relationships with so many customers, elderly, handicapped, blind person or deaf person they have been dealing

with him for years. Take to that building know that building. Morales you built up good business and Uber won't take that away from you your customers trust you probably in good position.. The way it is now not fair competition. IN this case we will lose drivers. Taxi very hard job turnover very high. Few stick with job long hours, this case now since business going down losing drivers might end up closing and in this case Uber told him how it is they come everybody make \$200 a day but keep hiring drivers and each driver ends up making less. Now not making any money. Assure that Uber will not succeed here. Love talking about business model if Uber won't succeed then you don't have a problem. Love term fair competition has been used here. Concerned with legal competition and we're both selling the same thing. If legally authorized to conduct business their technology is putting cab drivers in jeopardy and need to reevaluate their model. Payphone used to be everywhere but now no longer there. talking about free enterprise and competition. Job is to make sure that legal competition is appropriate. Thomas let them pay commercial insurance. Robnett already required in ordinance and provided by Uber. Thomas if really true they will have commercial insurance same as like we have. Love if he owned taxicab company would reevaluate want to stay in this business or shift to the Uber model. reality is just like he said no more payphone existing technology is changing everything. Sparks disagree think Uber is going to find its spot but he has never used an Uber.

There being no one else wishing to speak, the public hearing was closed at 11:59 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9509 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Lacy appreciated everyone's comments.

Mayor if this ordinance doesn't work and continue to not follow rules can make changes.

Love cause us to rethink cab ordinance as well and offer suggestions on good change for your ordinance.

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

MISCELLANEOUS

32. Discuss and review the purpose, functions, composition and roles of the City of Midland Boards, Commissions, and Committees.

Courtney can recess to base and reconvene. Mayor move executive session prior to Board and Commissions. 12:02 p.m.

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

EXECUTIVE SESSION

34. 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 §551.072 Deliberation Regarding Real Property.

- a.1. Discuss the sale, exchange, lease, or value of real property related to potential mineral leases on City of Midland property.

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

PASSED AND APPROVED the __ day of ____, 2015.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary