

**MIDLAND CITY COUNCIL
MINUTES
November 04, 2014**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on November 04, 2014.

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

Council Members absent: None.

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

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at ____ a.m., November 04, 2014.

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

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

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:00 a.m.

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

PRESENTATIONS

Mayor Morales read proclamation for Sergeant Michael Naylor.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation in remembrance of Sergeant Michael Naylor, Midland County Sherriff's Office.

PUBLIC COMMENT

Andrew Lookabaugh, 3410 Humble Ave airport maint mgr. here to give dissatisfaction of what has happened with Marv Esterly. Thanked Love, sparks and Lacy for support will be leaving at end of month as well. Had a great team and that is pretty much finished now. Encouraged City manager Sharp to encourage to come out and talk to the airport team. Its not just a building that runs its an airport. Feel sorry for Justine because stuck with mess. Robnett glad to go to meeting.

Allison Peeler, president of i20 wildlife and jeen wlech here with Joe whitehead on board and chairmand of land mgmt comm. in process of completing master plan and asked Council to consider derring judgement on electronic billboard #29 so not affected by billboard. need more time to research that. Needs to leave.

no others

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 Lacy moved to approve Consent Agenda items 5 - 20 excluding 6, 7, 12; seconded by Council Member Robnett.

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

5. Approved a motion approving the following minutes:
 - a. Regular meeting of October 21, 2014.
8. Approved a resolution approving the purchase of two (2) Spartan Pumpers through the

Houston-Galveston Area Council (H-GAC) from Metro Fire Apparatus Specialists, Inc. for the Garage Division. (PURCHASING)

RESOLUTION NO. 2014 - 397

RESOLUTION APPROVING THE PURCHASE OF TWO (2) SPARTAN PUMPER FROM METRO FIRE APPARATUS SPECIALISTS, INCORPORATED, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$1,299,920.00; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

9. Approved a resolution approving the purchase of four (4) Kann 29 cubic yard commercial side loader refuse bodies through the Houston-Galveston Area Council (H-GAC) from Kann Manufacturing Corporation for the Garage Division. (PURCHASING)

RESOLUTION NO. 2014 - 398

RESOLUTION APPROVING THE PURCHASE OF FOUR (4) KANN 29 CUBIC YARD COMMERCIAL SIDE LOADER REFUSE BODIES FROM KANN MANUFACTURING CORPORATION, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$400,456.00; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

10. Approved a resolution approving the purchase of two (2) John Deere 6105M tractors and two (2) John Deere flex wing rotary cutters through Texas Association of School Boards (TASB)/Buyboard Contract 447-14 from Deere & Company for the Garage Division. (PURCHASING)

RESOLUTION NO. 2014 - 399

RESOLUTION APPROVING THE PURCHASE OF TWO (2) JOHN DEERE 6105M CAB TRACTORS AND TWO (2) JOHN DEERE CX15 FLEX WING ROTARY CUTTERS THROUGH THE TEXAS ASSOCIATION OF SCHOOL BOARDS(TASB)/BUYBOARD FROM DEERE AND COMPANY, OF CARY, NORTH CAROLINA, AT A TOTAL COST OF \$179,093.74; AND THESE ITEMS WERE NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

11. Approved a resolution approving plans and specifications authorizing advertisement for bids for Market Street Utility Improvements project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2014 - 400

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE MARKET STREET UTILITY IMPROVEMENTS PROJECT; SAID PROJECT WILL PROVIDE FOR THE INSTALLATION OF VARIOUS WATER UTILITIES TO PROVIDE SERVICE BETWEEN BASIN STREET AND THE NORTH FRONTAGE ROAD OF INTERSTATE 20

13. 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. 2014 - 402

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

14. Approved a resolution approving the transfer of the Oil and Gas Well Permits and Road Repair Agreement issued under City Ordinance 8769 to Vector Oil & Gas LP (current operator). The following permits Barron No. 1, Baron No. 2, Barron No. 3 and Barron No. 4 will be transferred to the Vanguard Natural Resources, LLC. Vector Oil & Gas LP permitted wells are located in Section 6, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the east side of Holiday Hill Drive, south of Mockingbird Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 403

RESOLUTION APPROVING VECTOR OIL & GAS LP'S ("OPERATOR") TRANSFER OF CERTAIN OIL AND GAS WELL PERMITS TO VANGUARD NATURAL RESOURCES, LLC ("TRANSFeree"); AND APPROVING OPERATOR'S TRANSFER OF THE ROAD REPAIR AGREEMENT REGARDING SAID OIL AND GAS WELL PERMITS TO TRANSFeree; THE OIL AND GAS WELLS ARE BARRON NO. 1, BARRON NO. 2, BARRON NO. 3, AND BARRON NO. 4; SAID OIL AND GAS WELLS ARE LOCATED IN SECTION 6, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF HOLIDAY HILL ROAD, SOUTH OF MOCKINGBIRD LANE)

15. Approved a resolution to grant a variance to Ordinance 8769 (January 1, 2010 Oil and Gas Well Drilling Ordinance) to allow building permits for residences, to be issued in the future, where the proposed residences, either in whole or part is no closer than 135 feet of an existing oil and gas well and 150 feet to an existing tank battery. (Barron #3, Barron #4, Barron Tank Battery). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 404

RESOLUTION GRANTING A VARIANCE FOR GREATHOUSE ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF HOLIDAY HILL ROAD, SOUTH OF MOCKINGBIRD LANE), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 135 FEET OF AN OIL AND GAS WELL OR CLOSER THAN 150 FEET OF A TANK BATTERY; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

16. Approved a resolution to grant a variance to Ordinance 8769 (January 1, 2010 Oil and Gas Well Drilling Ordinance) to allow building permits for residences, to be issued in the future, where the proposed residence, either in whole or part is no closer than 135 feet of an existing oil and gas well. (Ramcon 1201D, Cowden 1202D, Cowden 1203D, Ramcon 1204D). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 405

RESOLUTION GRANTING A VARIANCE FOR DAYBREAK ESTATES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF BUSINESS STATE HIGHWAY 349-C, NORTH OF MOCKINGBIRD LANE), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 135 FEET OF AN OIL AND GAS WELL; AND

AUTHORIZING ISSUANCE OF BUILDING PERMITS

17. Approved a resolution to execute a Right-of-Way License and Surface Damage Agreement with Crownquest Operating, LLC. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2014 - 406

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND CROWNQUEST OPERATING, LLC; SAID RIGHT-OF-WAY LICENSE IS FOR ENTERING CITY OF MIDLAND'S PROPERTY FOR THE PURPOSE OF PLACING, INSTALLING, CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND REMOVING PETROLEUM PIPELINES AND TO HAVE THE RIGHT OF INGRESS AND EGRESS AT CONVENIENT POINTS FOR SUCH PURPOSE; THE PROPERTY IS LOCATED IN MIDLAND COUNTY, TEXAS, BEING SECTIONS 4, 9, 10, 11, 13, 14, 20, 21, 24, AND 30, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, AND SF 15387 AND SECTION 19, BLOCK 36, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY; THE LICENSE TERM IS FOR FIFTEEN (15) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE AND SHALL AUTOMATICALLY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL FIVE (5) YEAR TERM UPON 120 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

18. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland, Texas and Centurion Pipeline, L.P., said "Right-Of- Way License is for entering the City of Midland's Right-Of-Way for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing a petroleum pipeline, not to exceed 12 inches in diameter, and to have the right of ingress and egress at convenient points for such purpose: the pipeline is located within the City of Midland Right-of-Way, Sections 5 and 8, Block 38,T2S, T&P RR Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 407

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND CENTURION PIPELINE, L.P.; SAID RIGHT-OF-WAY LICENSE IS FOR ENTERING CITY OF MIDLAND'S PROPERTY FOR THE PURPOSE OF PLACING, INSTALLING, CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND REMOVING A PETROLEUM PIPELINE AND TO HAVE THE RIGHT OF INGRESS AND EGRESS AT CONVENIENT POINTS FOR SUCH PURPOSE; THE PROPERTY IS LOCATED IN MIDLAND COUNTY, TEXAS, BEING SECTIONS 5 AND 8, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY; RECORDED IN VOLUME 2308, PAGE 3, DEED RECORDS OF MIDLAND COUNTY, TEXAS, AND SECTION 44, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY; RECORDED IN VOLUME 67, PAGE 50, DEED RECORDS OF MIDLAND COUNTY, TEXAS; THE LICENSE TERM IS FOR FIVE (5) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE AND SHALL AUTOMATICALLY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL FIVE (5) YEAR TERM UPON 120 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION; AND RESCINDING CITY OF MIDLAND RESOLUTION NO. 2014-386

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

RESOLUTION NO. 2014 - 408

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

20. Approved a resolution renewing the Interlocal Agreement with Midland County, Texas regarding a cooperative working agreement between the Midland Police Department and the Midland County Sheriff's Office. (POLICE)

RESOLUTION NO. 2014 - 409

RESOLUTION AUTHORIZING AN INTERLOCAL CONTRACT WITH MIDLAND COUNTY, TEXAS REGARDING COOPERATION BETWEEN THE MIDLAND POLICE DEPARTMENT AND THE MIDLAND COUNTY SHERIFF'S OFFICE IN THE INVESTIGATION OF CRIMINAL ACTIVITY AND LAW ENFORCEMENT

6. Approved a resolution approving an agreement with Sole Source, Justice Benefits, Incorporated of Dallas, Texas, to provide Federal reimbursement opportunities and consultant services for the Health and Senior Services Division of the Community Services Department. (PURCHASING)

RESOLUTION NO. 2014 - 395

RESOLUTION APPROVING AN AGREEMENT WITH JUSTICE BENEFITS, INCORPORATED, OF DALLAS, TEXAS, TO PROVIDE FEDERAL REIMBURSEMENT OPPORTUNITIES AND CONSULTANT SERVICES FOR THE HEALTH AND SENIOR SERVICES DIVISION OF THE COMMUNITY SERVICES DEPARTMENT; SAID FIRM TO RECEIVE EIGHTEEN PERCENT OF FUNDS RECOVERED; JUSTICE BENEFITS, INCORPORATED IS THE ONLY FIRM THAT ASSIST AND PREPARES MEDICAID ADMINISTRATIVE CLAIMS TO LOCAL HEALTH DEPARTMENTS IN TEXAS

Love pulled to get more info about justice benefits inc being only company that does this. is thi smedicaid claims. Sal justice is only company used 2 quarters been able to raise \$22,000 just by referring citizens where to go for services. Citizens request info about providers or transporation and refer to agencies that can help them. By doing that get credited by referring those people and get reimbursed for thsoe services that we do already. Sal only company in this state they have state contract. Just wanted to doubtl check make sure not vilating any bidding process.

Council Member Robnett moved to adopt Resolution No. 2014 - 395; seconded by Council Member Love.

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

Mayor Morales recognized boy scouts in audience here to earn badge boys couts 232.

7. Approved a resolution approving a Professional Services Agreement for engineering and architectural services for the renovation and new construction of sports fields at Bill Williams Softball Complex, Hogan Park ball fields and at the Scharbauer Sports Complex for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2014 - 396

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH LUCK DESIGN TEAM, LLC, FOR ENGINEERING AND ARCHITECTURAL SERVICES FOR THE RENOVATION AND NEW CONSTRUCTION OF SPORTS FIELDS AT BILL WILLIAMS SOFTBALL COMPLEX, HOGAN PARK BALL FIELDS, AND AT THE SCHARBAUER SPORTS COMPLEX AT A TOTAL COST OF \$256,500.00

Lacy pulled like to award to Luck design by deny contract and seperate in two contracts and award at next meeting. pending revised contract. hogan from sports complex. Love council would ilke in put on placement of various fields. will approve p7s. sparks its less likely to have any imapct of changing if there is Council Member like to discuss shoudl discuss ahead of time. Courtney will get involved in process whoever wants to be involved. sparks have questions on task number 2 bill williams tell what it is about. Tina thinking ahead and have funds in operating budget for consulting design work. had a lot of concerns with Hogan and to optimzie space at Hogan and redo fields. If can get design take to public and get field sponsorships to make fields happen. sparks they are alredy in place not sure design what do you have in mind. We're already approved 608,000 for renovations to buildings. Tina those buildings would stay in place talking about fields only there is a lot of space not utilized and parking situations. would like to address some of thsoe issues. redisgning layout to properly utilize all space. Mayor how about getting into field when water flows during rain. Tina all of that would be taken into consideration by architect and hopefully not have those issues. Lvoe wha tis goal to direct layout or increase field. Tina to improve play at Hogan park and visitor experience think can address. Tina bill williams complex which is area inside fence and fields outside of fence both parts of Hogan so Hogan park. Love no respect to stadium, Tina that is other part. Mayor Hogan Park over the years how much put into it? Tina probably not as much as needs to be done. Need to pay attention it has a lot of field play now. Love stadium explain the increase of fields or putting fields at stadium is ther eno other nlocation is that only palce can add new fields. Tina not only location can add fields but only location where funding is approved. goes back to original plans always plans to have field around permimeter but need now there.

Lacy GMFL turned away 250 children the need fo rchildren playing services are needed. would liek Council input on location of field. sparks 4b needs to be taken out of obligation that extends past ?? 10;21 the way ontract is written 4b would hav eobligation against that date. would prefer 4b obligation being ended by Dec 31 2015 at very least. Legal can help with that. Morales if talking 4b and talking about longer term vision will all need to be included. Tinaintent is to move total funds out of funds and into a project. Lacy any way to complete 4 fields any way to speed up process. Tina telling 8 months worth of design like to be bidding out for construction sooner. Sparks hwile tlaking about that, legal has prepared some wording for getting projects done on time damages clause and awards clause if get done ahead of time. council should have briefing on that to discuss if want to move forward to get in construction contracts.

Council Member Lacy moved to adopt Resolution No. 2014 - 396 award contract to Luck Design Team, LLC but deny current contract attached in agenda and bring back two new contracts seperating two projects; seconded by Council Member Sparks.

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

12. Approved a resolution approving the 2015 City Council meeting dates. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014 - 401

RESOLUTION ESTABLISHING THE DATES OF THE REGULAR CITY COUNCIL MEETINGS TO BE HELD DURING THE CALENDAR YEAR 2015

Council Member Lacy moved to adopt Resolution No. 2014 - 401 with amendment to change meetings to Oct 6, Oct 20 Nov 3 and Nov 17; seconded by Council Member Robnett.

Lacy pulled right now one two days before thanksgiving. like to change dates in oct and nov oct 6 oct 20 and nov 3 and nov 17. Love asked if can add Council dates to include budget meetings.

sparks considered moving all to first and third instead of second and fourth. Lacy run into new years july 4.

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

SECOND READINGS

21. Consider an ordinance on second reading on a request by Integrity Land Development for a zone change from FD, Future Development District to 1F-3, One-Family Dwelling District, on an 80.98-acre tract of land located in Section 25, Block 40, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the south side of Briarwood Avenue, approximately 700-feet west of Crowley Boulevard.) (DEVELOPMENT SERVICES) (First reading held October 21, 2014.)

ORDINANCE NO. 9339

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING AN 80.98-ACRE TRACT OF LAND OUT OF SECTION 25, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF BRIARWOOD AVENUE, AT THE NORTH EXTENSION OF NAVASOTA DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9339.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9339 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

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

22. Consider an ordinance on second reading on a request by Integrity Land Development for a Special Exception to the Zoning Code concerning the required front yard setback on an 80.89-acre tract of land out of Section 25, Block 40, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the south side of Briarwood Avenue, at the north extension of Navasota Drive.) (DEVELOPMENT SERVICES) (First reading held October 21, 2014.)

ORDINANCE NO. 9345

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR AN 80.98-ACRE TRACT OF LAND OUT OF SECTION 25, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF BRIARWOOD AVENUE, AT THE NORTH EXTENSION OF NAVASOTA DRIVE), BY PERMITTING A REDUCED FRONT YARD SETBACK FOR LOTS WITHIN SAID TRACT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9345.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9345 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

23. Consider an ordinance on second on a request by LJM Enterprises, LLC for a zone change from AE, Agriculture Estate District to LI, Light Industry District, on a 4.99-acre tract of land out of Section 17, Block 38, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the west side of North County Road 1150, approximately 530 feet south of Arapahoe Road.) (DEVELOPMENT SERVICES) (First reading held October 21, 2014.)

ORDINANCE NO. 9340

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9340.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9340 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

24. Consider an ordinance on second on a request by Innovative Land Development for a zone change from AE, Agriculture-Estate District, to 1F-3, One-Family Dwelling District on a 21.15-acre tract of land; to LR-2, Local Retail District on an 8.63-acre tract of land; to LR-2, Local Retail District on an 11.70-acre tract of land; to MF-2, Multiple-Family Dwelling District on a 16.91-acre tract of land; and to O-2, Office District on an 18.33-acre tract of land; and from AE, Agriculture-Estate District, in part, and from TH, Townhouse Dwelling District, in part, to 1F-3, One-Family Dwelling District on a 25.63-acre tract of land; and to TH, Townhouse Dwelling District on an 11.53-acre tract of land, all out of Section 1, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of East Loop 250 North, approximately 800 feet east of North Lamesa Road.) (DEVELOPMENT SERVICES) (First reading held October 21, 2014.)

ORDINANCE NO. 9341

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 21.15-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT; BY PERMITTING AN 8.63-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT; BY PERMITTING AN 11.79-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT; BY PERMITTING A 16.91-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN MF-2, MULTIPLE-FAMILY DWELLING DISTRICT; BY PERMITTING AN 18.33-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT; BY PERMITTING A 25.64-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, IN PART, AND TH, TOWNHOUSE DWELLING DISTRICT, IN PART, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT; BY PERMITTING AN 11.53-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, IN PART, AND TH, TOWNHOUSE DWELLING DISTRICT, IN PART, TO BE USED AS A TH, TOWNHOUSE DWELLING DISTRICT; SAID TRACTS BEING OUT OF SECTION 1, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF EAST LOOP 250 NORTH, APPROXIMATELY 800 FEET EAST OF NORTH LAMESA ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9341.

Council Member Love moved to approve the second and final reading of Ordinance No. 9341 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

25. Consider an ordinance on second reading on a request by Innovative Land Development for a Special Exception to the Zoning Code concerning the front yard setback requirements on a 21.15-acre tract of land and the front yard setback and minimum lot size requirements on a 25.64-acre tract of land and on an 11.53-acre tract of land, all out of Section 1, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the south side of Solomon Lane, approximately 800 feet east of N. Lamesa Road.) (DEVELOPMENT SERVICES) (First reading held October 21, 2014.)

ORDINANCE NO. 9344

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9344.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9344 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

26. Consider an ordinance on second reading on a request by Versa Development for approval of an Apartment Site Plan on a 12.92-acre tract of land out of Section 1, Block 39, T-2-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located southeast of the intersection of Gist Avenue and Wayside Drive.) (DEVELOPMENT SERVICES) (First reading held October 21, 2014.)

ORDINANCE NO. 9342

AN ORDINANCE ADOPTING A SITE PLAN FOR A 12.918-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF GIST AVENUE AND WAYSIDE DRIVE); SUBJECT TO THE

FOLLOWING CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9342.

Council Member Love moved to approve the second and final reading of Ordinance No. 9342 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

27. Consider an ordinance on second reading on a request by J. Penos Café Catering and Company for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 17 and the South half of Lot 18, Block 104, Original Town Addition, City and County of Midland, Texas. (Generally located on the east side of S. Main Street, approximately 100 feet north of Washington Avenue.) (DEVELOPMENT SERVICES) (First reading held October 21, 2014.)

ORDINANCE NO. 9343

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 17 AND THE SOUTH HALF OF LOT 18, BLOCK 104, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH MAIN STREET, APPROXIMATELY 100 FEET NORTH OF WASHINGTON AVENUE), WHICH IS PRESENTLY ZONED LI, LIGHT INDUSTRY DISTRICT, 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. 9343.

Council Member Love moved to approve the second and final reading of Ordinance No. 9343 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Lacy if not restaraunt do they lose sup? chuck no it has to be a restaraunt. have ability to remove sup .

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

PUBLIC HEARINGS

28. At approximately 10:30 A.M. hold a public hearing and consider an ordinance on a request by Choice Outdoor for a Specific Use Permit with term for an Electronic Billboard on Lots 11 & 12, Block 40, College Heights, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of South Garfield Street and Front Street..) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9346

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A LOTS 11 AND 12, BLOCK 40, COLLEGE HEIGHTS, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH GARFIELD STREET AND FRONT STREET), WHICH IS PRESENTLY ZONED C-3, COMMERCIAL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR AN ELECTRONIC BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; 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

Dev Svbs Dri chuck harrington, on July 22 when working on billboard ord req put forward. app is wishing to contract elec billboard at interchange. part of their deal will include removal of texaco sign. eval based on all restrictions in current sign ord and app meets current ord and p7z at time held on jul 7 rec approval. avail to answer any questions. Love. It conforms to ord as exists now but does it?? 10:44 don't think so. there is property behind used for resident that will have impact. love anything else besides residential. harrington not tearing down any billboards and have to check spacing. have to evaluation light once installed. Htochkiss would like to defer next to items because Dufford not here and he expressed interest. Lacy shouldn't defer because Dufford not here agenda posted a year in advance. Robnett its already been deferred. chuck app made under existing sign ord onl option is for council to turn down and then will come back with new app. Robnett deferred previous, number of coming through before new sign ord. chuck some of influx is rumor started around saying ban billboards and that was never the direction so big influx of apps. Morales can defer future ones. chuck doesn't change because deferral. until new ord goes into affect they are grandfathered based on date of application. billboards in district 2 are in rough shape and an electronic billboard would be better. Robnett this one same intersection that show of support tragedy happened and Council should take the info affect. Intersection should be reviewed with a certain amount of respect. Htochkiss elec signs distract drivers as a result safety issue for city.

Lacy current ord no tear down. chuck no sir. It was a policy that was being used through sup process where can add additional restrictions. Hotchkiss last night went to p7z that realized chairman of sign ord last revision not electronic but one that has disappeared and there is some confusion as to whether put in by City Council. It happened. What happens if we find the missing sign ordinance that was voted in by City Council. Performed under dir of cc it was a nice long drawn out ord. thought it was an ord to put one up you have to take one down. Happy to do more research. Love asked Mr. Stokes if any historical perspective of ord talking about.

Mayor Morales opened the public hearing at 10:51 a.m.

chris stoke ?? 10:52 never an ord that he is aware. That was true of last permits accrued had to show staff that had taken some signs down and stated publicly that was a policy not codified but in sup process. hotchkiss worked with his predecessor on this. chirs correct.

Brad Tuley Canyon, Tx it has rained a boatload btwn canyona nd Midland. appreciate proposing amendments. Followed the current ordinances without exception it meets every criteria. have total of 6 billboards in Midland. Followed regulations. Going to take down 40 foot tall old gasoline sign and put in a modern digital. TxDot started allowing digitals in 2008 and found do not distract drivers. Can only change message every 8 seconds. there will not be motion. this iwll be 16th digital in 7 different communities. Love electronic billboard wlll change every 8 seconds but static and isntaltly changing no flashing of scrolling. Brad regualtes Garfield but not Front. some reason don't regulate about amile section of Front. Lacy what is spacing between residential zone in that area. Chuck a little over 150 feet in current code. Brad Midland 150 feet in Lubbock it's 80. Morales doubtl sided led, brad single sided and static on reverse side. Mayor pigeons do you ahve system to keep out birds? Brad different polliies to keep lean.

Hotchkiss has a survey about distracted driving. Lacy give insight on whats done in past and where going? Stretcher all billboards approved by SUP no billboard approved by matter or right or approved admin. It is a zoning matter. council can add restrictions on sup that they find reasonable and applicant can accept or reject. That is hwere take one down and put one up is where. Keith instead of codifying everyone knew wouldn't get one unelss took one down. It worked out well in past. In new ord you need to make clear tha tall billboards are sup and not allowed by matter of right or admin if mistakenly approved admin then void. On all future zoning and future pd need to consider asking applicants when come forward do you want billboards or not. Look at public hearing and pd and rezone all you have to do is ask applicant.

Sparks on light that is emitted on digital side and static side is going to comply with current ord, are there any changes in luemens from current to proposed. If there is how will that mesh. chuck changed wording on how measure luemans. formula in there now not sure hwo to measure it is measure straight lumens. sure cna cross reference will still comply. Morales any complaints on LED and usually matter of sign owner needs to adjust. Morales can you record that for a while. Hotchkiss had one on Wall Street.

Sparks isnce lumens is controlled you would be happy to make sure it abides by new proposed ord as far as lumens concerned. Tuley absolutely want to be a good citizen. can put shielding on side of it if there is a problem. Htochkiss he helped designed what thos lumens would be.

There being no one else wishing to speak, the public hearing was closed at 11:04 a.m.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9346.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9346 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Mayor controversial issue thanked Council and staff for trying to vet this out. will be

ongoing issue. Will be based on locations and what is coming down the road. encouraged everyone to continue doing research. Lacy SUP have to come for renewal every 2 years can choose not to renew or cut power. do have mech to ensure everyone conforms. Hotchkiss once go up pretty much up.

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

29. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Lamar Advertising/David Hoff Trust for a Specific Use Permit with Term for an Electronic Billboard on a 0.046-acre tract of land out of Section 5, Block 39, T-2-S, T & P RR Company Survey, City and County of Midland, Texas. (Generally located on the intersection of South Midland Drive and West Interstate Highway 20.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9347

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 0.046-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE INTERSECTION OF SOUTH MIDLAND DRIVE AND WEST INTERSTATE HIGHWAY 20), WHICH IS PRESENTLY ZONED BP, I-20 BUSINESS PARK DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR AN ELECTRONIC BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting this request by Lamar Advertising Chris Oaks representative wishing to replace existing with electronic. In this case they did remove another sign. They did on own without requirement by staff. It has existing sup issued in 2000 that will be repealed. In ref to person who testified during open public comments. We do not evaluate based on activities did nto evaluation how would affect wildlife.

Lacy how close to wildlife preserve?

Mayor Morales opened the public hearing at 11:08 a.m.

Chris Stoke Lamar Advertising, about 500 feet from wildlife preserve. billboard there until about 1991. donated land it will inc ?? 11:09 east face digital other side static. Love this is not going to increase lumens of what is already present. Robnett how many signs decrease, took one down at front street by choice because wanted to but most structures lost recently because of landowner changes or ??stone henge? seen net decrease in amount of signs since orig ord brought forward 10 years ago. Have several built in last several years so coming back up to where were. Lacy what is loss of revenue, Chris boom as affected ability increase in demand and increase in land owner requirements 99% are on some sort of lease usually every 3-5 years. land owners see increased property tax and demand higher rent. profits are not spiking but keeping up with cost. 6 month delay has cost revenue. Chris digital billboard could replace several

static billboards. this ord is based on San Antonio and Dallas. Don't need 3-5 others in area. 1 for 1 2 for 1 would object to. this is in City limits. Under current this would not be in cap area but within 500 foot of protected zone of I-20 only other issue is on premise sign within 150 feet. Current billboard is 91 or 98. Had it engineered have to get in engineered and bring in drawings. under impression will replace whole sign. Citizen will only see digital face but may have to replace entire sign. Can estimate but have to replace whole sign. sq footage has not been changed. Love appreciate comments about how digital reduce number of signs. Didn't the industry have signs that rotated. Chris those are difficult in West Texas because of winds (slat triface sign).

There being no one else wishing to speak, the public hearing was closed at 11:15 a.m.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9347.

Council Member Love moved approval of the first of two readings of Ordinance No. 9347 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Robnett voting for signed because he has removed several signs and is conforming to new reg. Love lumens not increase is in satisfaction with wildlife preserve.

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

30. At approximately 10:36 A.M. hold a public hearing and consider a resolution on a request by John Ruffino for a Temporary Land Use Permit for a Festival on Lot 4, Block 5, Westridge Park Addition, Section 6, City and County of Midland, Texas. (Generally located northwest of the intersection of Champion Drive and N. Loop 250 West.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 410

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FESTIVAL ON LOT 4, BLOCK 5, WESTRIDGE PARK ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF NORTH LOOP 250 WEST AND CHAMPIONS DRIVE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; AND PROVIDING THAT THE CHIEF OF POLICE SHALL ENSURE THAT ALL PARTICIPANTS ARE LICENSED PURSUANT TO TITLE V, CHAPTER 9 OF THE MIDLAND CITY CODE

Development Services Director Chuck Harrington gave a brief overview of the item noting this proposal is for festival called Midessa Fest. new to area. proposing to do at Scharbauer complex. this is spanned over 2 weekends felt like should bring to council for input and proposed requirements. thur through Sun Nov 13 -16 and thur tue 18-23. Hours on weekdays 5-10 p.m. 11-12 sun 1-10 p.m. live country music for saturday and sunday. music volume reduced after 10 p.m. no alco bev and peace officers covered. Lacy when will?? Chuck assume in daytime only speculation. Robnett how decide how many peace officers? is 6 enough for this event? Chuck thinks one that is applied from them and staff evaluates and makes best guess. chuck police dept might have standard. Morales stage will be facing one direction. chuck facing out to loop 250. Morales traveling show. chuck different locations in Louisiana. Love know that

been displayed at Permian basin fair wondered if same company.

Love same area that staff is proposing to put football fields. Hotchkiss same area. sparks in pasat council required music volume reduced at 10 p.m. chuck resolution has it and can add tha tmotorcycle part of show done by 10 .m. also. and no globe of death after 10.

Mayor Morales opened the public hearing at 11:23 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2014 - 410; seconded by Council Member Love.

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

MISCELLANEOUS

31. Consider an ordinance adopting the 2012 International Fire Code, with amendments as the fire code of the City of Midland. (FIRE)

ORDINANCE NO. 9348

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 2012 EDITION OF THE INTERNATIONAL FIRE CODE WITH CERTAIN AMENDMENTS AS THE FIRE PREVENTION CODE OF THE CITY OF MIDLAND, TEXAS; REQUIRING FIRE LANES ON PRIVATE PROPERTY, DEVOTED TO PUBLIC USE, TO BE APPROVED BY THE FIRE MARSHAL; ESTABLISHING A PRESUMPTION OF VALIDITY OF A FIRE LANE THAT SUBSTANTIALLY COMPLIES WITH THE REQUIREMENTS OF TITLE VII, "FIRE REGULATIONS," CHAPTER 1, "FIRE PREVENTION CODE," OF THE MIDLAND CITY CODE; REPEALING ORDINANCE NUMBERS 7425 AND 8867 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; 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. 9348.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9348 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

32. Approved a motion directing staff to begin the annexation of a 5.98-acre tract located in Section 37, Block 40, T-1-S, T&P, RR Company Survey, Midland County, Texas. (Generally located on the west side of Tradewinds Boulevard, approximately 170 feet south of Champions Drive.) (DEVELOPMENT SERVICES)

Harrington council directed to begin annexation of site of what will be fire sta 6. Lacy like to applaud staff first project what penalty clause put in contract.

Council Member Lacy moved to approve Approved a motion directing staff to begin the annexation of a 5.23-acre tract located in Section 37, Block 40, T-1-S, T&P, RR Company Survey, Midland County, Texas. (Generally located on the west side of Tradewinds Boulevard, approximately 170 feet south of Champions Drive.); seconded by Council Member Love.

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

sparks concur. where do we stand on station 10? Isbell they will hand over before end of November. expecting any day. another meeting on Wednesday. Love why annexing this AE and not FD? Chuck keeping in tight zone firestation can go anywhere didn't see need to change it to anything other than AE. AE most restrictive zone and fire sta can go in that zone and protect land around it. Lacy make amendment current ord 5.98 it is only 5.23 acre

chuck introduced staff member Christain Odenburg has been promoted.

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

none.

EXECUTIVE SESSION

no executive session. Meeting adjourned at 11:30 a.m.

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:

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

PASSED AND APPROVED the ____ day of _____, ____.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary