

**MIDLAND CITY COUNCIL
MINUTES
November 18, 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 18, 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 18, 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 10:08 a.m.

recognized Ryan Hernandez outstanding student at St. Anns

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

PRESENTATIONS

excited to have president and Laura Bush here yesterday.

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

PUBLIC COMMENT

Kyle Huckaba 2510 Regency Oaks gmfl. #10 involved with league 18 years, president for 15. Love kids in jr. high wasn't great football through city efforts move to draw at holiday hill secured two fields from Wagner and Brown. Two fields for this town is cramped. 325 kids 18 teams. 780 kids 25 cheerleaders 28 teams. Too many kids on roster and turning kids away. Fields in poor shape with 800 kids running up and down all day long. Ground is hard. Trying to secure fields for several years to allow to add teams, reduce rosters and get more kids involved. Think can easily go to 12-1300 kids if have place to put them. Full can't grow.

No one else public comment closed.

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 Lacy moved to approve Consent Agenda items 5 - 26 excluding 10, 21, 27; 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.

5. Approved a motion approving the following minutes:

Council Member Lacy moved to approve Consent Agenda items 5 - 27 excluding 10, 21, 27; seconded by Council Member Robnett.

- a. Regular meeting of November 4, 2014.

6. Approved a resolution approving Fiscal Year 2014 Water, Sewer and Sanitation write-offs. (FINANCE)

RESOLUTION NO. 2014 - 411

RESOLUTION AUTHORIZING THE CITY TREASURER TO WRITE OFF AS UNCOLLECTIBLE CERTAIN DELINQUENT ACCOUNTS FOR WATER, SEWER, AND SANITATION SERVICES

7. Approved a resolution authorizing the City Treasurer to write off as un-collectible certain delinquent accounts for miscellaneous accounts receivable and insufficient fund checks. (FINANCE)

RESOLUTION NO. 2014 - 412

RESOLUTION AUTHORIZING THE CITY TREASURER TO WRITE OFF AS UNCOLLECTIBLE CERTAIN DELINQUENT ACCOUNTS FOR MISCELLANEOUS ACCOUNTS RECEIVABLE AND INSUFFICIENT FUNDS CHECKS

8. Approved a resolution authorizing the City Treasurer to write off as un-collectible certain delinquent accounts for Emergency Medical Services Receivable. (FINANCE)

RESOLUTION NO. 2014 - 413

RESOLUTION AUTHORIZING THE CITY TREASURER TO WRITE OFF AS UNCOLLECTIBLE CERTAIN DELINQUENT ACCOUNTS FOR EMERGENCY MEDICAL SERVICES RECEIVABLES

9. Approved a resolution approving the City of Midland Fiscal Year 2015 Investment Policy. (FINANCE)

RESOLUTION NO. 2014 - 414

RESOLUTION APPROVING THE CITY OF MIDLAND'S FISCAL YEAR 2015 INVESTMENT POLICY

11. 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 and Hogan Park ball fields for the Community Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2014 - 416

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH LUCK DESIGN TEAM, LLC, TO PERFORM ENGINEERING AND ARCHITECTURAL DESIGN SERVICES FOR SPORTS FIELDS AT BILL WILLIAMS SOFTBALL COMPLEX AND HOGAN PARK AT A TOTAL COST OF \$30,600.00; AND APPROPRIATING FUNDS

12. Approved a resolution approving a contract with Restroom Facilities, Ltd. of Marble Falls, Texas for the purchase and installation of a restroom facility at Hogan Park for a total cost of \$114,639.00 through Buyboard contract #423-13 for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2014 - 417

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH RESTROOM FACILITIES, LTD., OF MARBLE FALLS, TEXAS FOR THE PURCHASE

AND INSTALLATION OF A RESTROOM FACILITY AT HOGAN PARK, FOR A TOTAL COST OF \$114,639.00 THROUGH BUYBOARD; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

13. Approved a resolution approving the purchase of one thousand eight (1,008) 96 gallon roll out carts from Otto Environmental Systems (NC), LLC of Charlotte, North Carolina for a total cost of \$50,702.40 for the Solid Waste Department. (PURCHASING)

RESOLUTION NO. 2014 - 418

RESOLUTION APPROVING THE PURCHASE OF ONE THOUSAND EIGHT (1,008) NINETY-SIX (96) GALLON ROLL OUT CARTS FROM OTTO ENVIRONMENTAL SYSTEMS (NC), LLC, OF CHARLOTTE, NORTH CAROLINA, AT A TOTAL COST OF \$50,702.40

14. Approved a resolution approving the appropriation of \$125,000.00 to Project 9120 for the new dog park at Beal Park for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2014 - 419

RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS IN THE AMOUNT OF \$125,000.00 FROM THE 2014 CERTIFICATES OF OBLIGATION TO THE BEAL DOG PARK PROJECT (9120) TO BEGIN PROCURING THE ELEMENTS NECESSARY FOR THE INSTALLATION OF A NEW DOG PARK AT BEAL PARK

15. Approved a resolution approving the purchase of one (1) 623K wheeled scraper through Buyboard contract 424-13 from Warren Power & Machinery, Inc. dba Warren Cat for the Garage Division. (PURCHASING)

RESOLUTION NO. 2014 - 420

RESOLUTION APPROVING THE PURCHASE OF ONE (1) 623K WHEELED SCRAPER FROM WARREN POWER AND MACHINERY, INCORPORATED, DBA WARREN CAT, THROUGH BUYBOARD AT A TOTAL COST OF \$773,801.81; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

16. Approved a resolution authorizing the execution of an assignment with the City of Midland regarding the parking garage facility located on Lot 1A, Block 53, Original Town, City and County of Midland, Texas. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014 - 421

RESOLUTION APPROVING AN ASSIGNMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION ("MDC") AND THE CITY OF MIDLAND ("CITY") REGARDING THE TRANSFER OF THE PARKING GARAGE FACILITY LOCATED ON LOT 1A, BLOCK 53, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS, FROM THE MDC TO THE CITY; SAID PARKING GARAGE FACILITY WAS CONSTRUCTED AS PART OF THE WALL STREET LOFTS PROJECT; AND ORDERING RECORDATION BY THE CITY SECRETARY

17. Approved a resolution approving the issuance of a permit to High Sky Partners, LLC (Operator), to drill an oil & gas well within the City Limits, (Cowden No 1205D) located

2,129 feet from the south line and 2,262 feet from the east line located in Section 12, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Mockingbird Lane, approximately 3,000 feet east of State Highway 349.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 422

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,129 FEET FROM THE SOUTH LINE AND 2,262 FEET FROM THE EAST LINE, SECTION 12, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF MOCKINGBIRD LANE, APPROXIMATELY 3,000 FEET EAST OF STATE HIGHWAY 349); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

18. Approved a resolution approving the issuance of a permit to High Sky Partners, LLC (Operator), to drill an oil & gas well within the City Limits, (Cowden No 1206) located 1,795 feet from the south line and 467 feet from the east line located in Section 12, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Mockingbird Lane, Approximately 470 feet west of the extension of Fairgrounds Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 423

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 1,795 FEET FROM THE SOUTH LINE AND 467 FEET FROM THE EAST LINE, SECTION 12, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF MOCKINGBIRD LANE, APPROXIMATELY 470 FEET WEST OF THE EXTENSION OF FAIRGROUNDS ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

19. Approved a resolution approving the issuance of a permit to High Sky Partners, LLC (Operator), to drill a non-commercial salt-water well within the City Limits, (Synatschk No 100SW) located 1,577 feet from the north line and 1,122 feet from the east line located in Section 1, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of extension of Solomon Lane, approximately 1,099 feet west of extension of Fairgrounds Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 424

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL A NON-COMMERCIAL SALT-WATER DISPOSAL WELL WITHIN THE CITY LIMITS LOCATED 1,577 FEET FROM THE NORTH LINE AND 1,122 FEET FROM THE EAST LINE, SECTION 1, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE EXTENSION OF SOLOMON LANE, APPROXIMATELY 1,099 FEET WEST OF THE EXTENSION OF FAIRGROUNDS ROAD)

20. Approved a resolution authorizing the execution of a Road Repair Agreement with High

Sky Partners LLC, regarding its applications to drill a non-commercial salt-water well (Synatschk No 100SW) within the City Limits, in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland Texas. The Road Repair Agreement will cover Solomon Lane and Fairgrounds Road off East Loop 250 North and be in the amount of \$75,000.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 425

RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH HIGH SKY PARTNERS, LLC REGARDING ITS APPLICATION TO DRILL A NON-COMMERCIAL SALTWATER DISPOSAL WELL WITHIN THE CITY LIMITS IN SECTION 1, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

22. Consider an amendment to Resolution 2014-233 for an Oil and Gas Well Drilling Permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Isbell Hz Unit No 105H) located 2,416 feet from the north line and 1,522 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the extension of Solomon Lane, approximately 1,522 feet east of State Highway 349.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 427

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,416 FEET FROM THE NORTH LINE AND 1,522 FEET FROM THE WEST LINE, SECTION 1, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE EXTENSION OF SOLOMON LANE, APPROXIMATELY 1,522 FEET EAST OF STATE HIGHWAY 349); SAID AMENDMENT AUTHORIZES 24-HOUR CONTINUOUS FRACTURE STIMULATION OPERATIONS

23. Consider an amendment to Resolution 2014-234 for an Oil and Gas Well Drilling Permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Isbell Hz Unit No 106H) located 2,416 feet from the north line and 1,572 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the extension of Solomon Lane, approximately 1,572 feet east of State Highway 349.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 428

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,416 FEET FROM THE NORTH LINE AND 1,572 FEET FROM THE WEST LINE, SECTION 1, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE EXTENSION OF SOLOMON LANE, APPROXIMATELY 1,572 FEET EAST OF STATE HIGHWAY 349); SAID AMENDMENT AUTHORIZES 24-HOUR CONTINUOUS FRACTURE STIMULATION OPERATIONS

24. Consider an amendment to Resolution 2014-235 for an Oil and Gas Well Drilling Permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the

City Limits, (Isbell No 107D) located 2,416 feet from the north line and 1,622 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the extension of Solomon Lane, approximately 1,622 feet east of State Highway 349.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 429

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,416 FEET FROM THE NORTH LINE AND 1,622 FEET FROM THE WEST LINE, SECTION 1, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE EXTENSION OF SOLOMON LANE, APPROXIMATELY 1,622 FEET EAST OF STATE HIGHWAY 349); SAID AMENDMENT AUTHORIZES 24-HOUR CONTINUOUS FRACTURE STIMULATION OPERATIONS

25. Approved a resolution to execute a Right of Way License and Surface Damage Agreement with CrownQuest Operating, LLC. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 430

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 POLY FLOW LINES 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; 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

26. Approved a resolution authorizing the execution of a Public Improvement Development Agreement with Los Conchos Ventures, LLC for development of Greathouse Addition, Section 7, City and County of Midland, Texas (Generally located on the east side of Holiday Hill Road, approximately 800 feet south of Mockingbird Lane); and authorizing payment therefor in an amount not to exceed \$64,499.00; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 431

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH LOS CONCHOS VENTURES, LLC FOR DEVELOPMENT OF GREATHOUSE ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF HOLIDAY HILL ROAD, APPROXIMATELY 800 FEET SOUTH OF MOCKINGBIRD LANE); AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$64,499.00; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

10. Approved a resolution approving a professional services agreement for engineering and architectural services for the renovation and new construction of sports fields at the Scharbauer Sports Complex for the Community Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2014 - 415

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH LUCK DESIGN TEAM, LLC, TO PERFORM DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE DEVELOPMENT AND CONSTRUCTION OF SPORTS FIELDS AT THE SCHARBAUER SPORTS COMPLEX AT A TOTAL COST OF \$225,900.00; AND APPROPRIATING FUNDS

Dufford pulled really just like to ask Mr. Huckaba a couple more questions. this doesn't really put dent with all kids turning away how many more fields do you relaly think need to adquately handle. Huckaba trick questions. Four with two have now iwll give six. primary side would be 4. at this point that should be enough however thought 2 was neough. this is a 40 team league 4 fields is doable. need at one site for administrative perspective. community is growing popular sport ultimately 8 fields 4 is neough for near future as long as have lights. Sparks wouldn't be giving up other two fields? Huckaba no use primarily as practice facility. number one injury is brok wrist from falling on hard ground number 2 broken arm. and concussions from hitting head on ground. Lacy whenever have big rainstorms pelase stay off field which will help. Take into consideration but have no way to make up games.

Council Member Dufford moved to adopt Resolution No. 2014 - 415; seconded by Council Member Lacy.

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

21. Consider an amendment to Resolution 2014-232 for an oil and gas well drilling permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Isbell No 104D) located 2,416 feet from the north line and 1,472 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the extension of Solomon Lane, approximately 1,472 feet east of State Highway 349.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 426

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,416 FEET FROM THE NORTH LINE AND 1,472 FEET FROM THE WEST LINE, SECTION 1, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE EXTENSION OF SOLOMON LANE, APPROXIMATELY 1,472 FEET EAST OF STATE HIGHWAY 349); SAID AMENDMENT AUTHORIZES 24-HOUR CONTINUOUS FRACTURE STIMULATION OPERATIONS

Dufford pulled to tell about differetn way of doing bus in city limits. ron current rules frac 7 am to 7 pm hav eto shut down before dark. fracing under msot wells are verticle wells

which had 2-3 stage and fracing horizontal 25 to 25 stages. requesting to go 24 hours get in and get out not be there for several days. morales not just this group think something will see more. ron jus tstart of it more apps horizontal prediminantly in future with variouance requests. inc ertain places hwer erequire sound walls for drilling cna make tha trequest. ron when talk to apps present wituation. sparks these specific wells neighborhood not built. ron undeveloped area nad tha tis why want to frac 24 hours to beat dev b4 it gets there. sparks zipper frac? ron yes. sparks zipper two wells and literally frac at both timekeep everything pressured up. industry seen a lto of success. problem shutting down overnight lose energy. purpose of doing all at one time keep energy charge dup. ron mike wallace high sky present for questions.

Council Member Dufford moved to adopt Resolution No. 2014 - 426; seconded by Council Member Sparks.

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

27. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Municipal Solid Waste Landfill Scalehouse and Entrance Facilities Construction Project. (SOLID WASTE)

RESOLUTION NO. 2014 - 432

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE MUNICIPAL SOLID WASTE LANDFILL SCALE HOUSE AND ENTRANCE FACILITIES CONSTRUCTION PROJECT

Morales on this bid question had on cells after new cell opened hwo many more cells can build at that location. Morale sputting in new improved scale is it portable? if not are we investing long term. Morales that speaks with life 5j0 years left. 7 more cells left.

Council Member Love moved to adopt Resolution No. 2014 - 432; seconded by Council Member Hotchkiss.

how mahy trucks at time? two in bound one outbound. one inbound scales equipped with radio freq id cards so stop and continue on. only trucks stopping is private haulers that have to communicate with operator.

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

SECOND READINGS

28. Consider an ordinance on second reading 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) (First Reading Held on November 4, 2014.)

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9346.

Council Member Love moved to approve the second and final reading of Ordinance No. 9346 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Tobnett, seen 3 times something iddn't mention outside of intersection garfield and front where train wreck hpapened only allowed under ord because lamar removed two billboards. this app is in accord with spacing ord.

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

29. Consider an ordinance on second reading 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) (First reading held on November 04, 2014.)

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9347.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9347 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

30. Consider an ordinance on second reading adopting the 2012 International Fire Code, with amendments as the fire code of the City of Midland. (FIRE) (First Reading Held on November 04, 2014.)

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 SueAnn Reyes read the caption of Ordinance No. 9348.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9348 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

John at dais not stretcher

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

PUBLIC HEARINGS

31. At approximately 10:30 A.M. hold a public hearing and consider an ordinance on a request by Palladium USA International, Inc. for a zone change from LR-2, Local Retail District and 1F-1, One-Family Dwelling District to a 6.510-acre tract of LR-3, Local Retail District and a 15.65-acre tract of MF-2, Multiple Family Dwelling District on Lot 1, Block 1, Parkway South Addition, City and County of Midland, Texas. (Generally located on the west side of South Lamesa Road, approximately 600 feet north of East Interstate Highway 20.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9349

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 6.51-ACRE TRACT OF LAND OUT OF SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, IN PART, AND 1F-1, ONE-

FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS AN LR-3, LOCAL RETAIL DISTRICT; BY PERMITTING A 15.65-ACRE TRACT OF LAND OUT OF SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, IN PART, AND 1F-1, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS AN MF-2, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH LAMESA ROAD, APPROXIMATELY 600 FEET NORTH OF EAST INTERSTATE HIGHWAY 20); 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 tx ex funding from tx dept of housing and community affairs. coming foward with zoning currently lr2 and 1f1 there was mobile home park proposing to change zonign to multi family to have trianagular half and south half with lr3 in northern tract looking at retail or storage facilities. Overall complex 264 units density of 16,85 units per acre. .85 higher than normal but unique shpae makes it difficul to develop. TIA deemed not nec by transporation division. prop ded to lower income housing. staf rec approval p7z rec approval by 601. sparks. whats lr3 allow as heightr. chuck more uses one things is storage units. Love what else there are intense units that may not be compatible. chuck don't know off top of head. they own property assume control what uses go in there. they can still restrict it if desired. sparks there wouldn't be a once lr3 no reason to restrict it. . Love support project think will do great job just nervous about making tha ttract lr3 . Lacy in ord specifical cond that has to conform with what is presented now. John correct with resp to l43. John lr3 ex b through H has to conform to thsoe exhibits. apartment tract is tied to exhibits not lr3. sparks not necessarily aproblem don't know whats allowed in lr3. . defer and come back later in meeting.

Mayor Morales opened the public hearing at 10:54 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9349.

Sparks housing dev , office mf1, currently east part of triangle is lr2. chuck if not existing zoning runs north and south. sparks staff believes lr3 is appropriate for this spot. chuck felt appropriate because motel site to south, site to north is school.

sparks feel more comfortable if have site plan approval. dufford as long as falls in what say. sparks biggest is lr2 not lr3 but lr3 is self storage and that makes sense by apartment building. Harrington that is what was indicated to them. biggest pressing issue is multi family. wish applicant was here so can know what's. sparks want to paprove and bring back for second reading anmd ask app to return to talk about what doing on other location., Love don't think applicant is going to do anything. don't see them developing that they will probably sell it and thats where problem lies. chuck they are trying to set themselves up to recoup some of cost with northern portion. they could just aseasily sell at lr2 and and then make is lr3 if want storage units. feel more comfortable with that. Hotchkiss can change this now where change one portion. John will be denying zone change. John taking two existing pieces and zoning those in lr2 as opposed to lr3 that would be amendment. Hotchkiss if they want toc hange.

Council Member Love moved approval of the first of two readings of Ordinance No. 9349 in accordance with the Charter of the City of Midland with amendment to change zoning on the northern portion to Lr2 ; 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.

Council Member moved approval of the first of two readings of Ordinance No. 9349 in accordance with the Charter of the City of Midland; seconded by Council Member .

32. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Oscar Galindo for a zone change from 1F-2, One-Family Dwelling District, to 1F-3, One-Family Dwelling District on a 0.31-acre tract of land out of Block 3, 4 & 5, W.W. Harris Addition, City and County of Midland, Texas. (Generally located on the east side of North Weatherford Street, approximately 110 feet north of Mississippi Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9350

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 0.31-ACRE TRACT OF LAND OUT OF BLOCKS 3, 4 AND 5, W.W. HARRIS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH WEATHERFORD STREET, APPROXIMATELY 110 FEET NORTH OF MISSISSIPPI AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting rezone to replat lots to 1`f3 size lots which is like rest of neighborhood. 1f3 districts in immediate area. p7z rec approval and staff concur.

morales when go to 1f3 are allowed to build large workshops in area. chuck have to meet setbacks on property. Love if requesting go from 1f2 to 1f3 to maintain conformity of existing surrounding property everything else 1f2. Love what are dimensions of plat currently? chuck two large lots and trying to put together for 50 foot lots. see big track and two small tracks he will replat so has similar size lots in neighborhood. sparks it does appear to be uniform with area.

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

Ben Sanchez Schuman Engineering, 408 N Pecos Street. taking two lots and replatting them to build single family homes. the zoning division is just to easat along alley want 50 foot width.

There being no one else wishing to speak, the public hearing was closed at 10:47 a.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9350.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9350 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.

33. At approximately 10:39 A.M. hold a public hearing and consider an ordinance on a request by Blue Capp Management, LP. for a zone change from LR-2, Local Retail District to LR-3, Local Retail District on Lots 10, 11 and 12, Block 183, Southern Addition, City and County of Midland, Texas. (Generally located southeast of the intersection of West Florida Avenue and South Big Spring Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9351

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 10, 11 AND 12, BLOCK 183, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN LR-3, LOCAL RETAIL DISTRICT (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST FLORIDA AVENUE AND SOUTH BIG SPRING STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting applicant asked to be rezoned to Ir3 proposing to add auto sales lot to sell preowned vehicles. proposal is overflow and has another lot in town. no car or truck carriers coming into this site. Ir3 uses boat sales, auto glas auto rep auto sales mh camping trailer sales mon sales motor home sale sheavy truck exceed 1 t capacity o read uses..

Morales no large trucks to offload vehicles.

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

Chris Robbins, 4th auto mobile 100 W County Road ??? simply a display lot for other location. Morales how many cars, chris 20 working admin replat rec to not do until not do until after rezone. Morales asphalt. Chris yes, lacy what time of fixed structure. Chris only building that iwll build if familiar with car store will be same as car store on wall street.

There being no one else wishing to speak, the public hearing was closed at 10:52 a.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9351.

Council Member Love moved approval of the first of two readings of Ordinance No. 9351 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

34. At approximately 10:42 A.M. hold a public hearing and consider an ordinance on a request by Parking Acquisition Company, LLC for a vacation of the 20-foot alley right-of-way adjacent to Lots 3 through 10, Block 59, Original Town Addition, City and County of Midland, Texas. (Generally located on the north side of West Wall Street, approximately 150 feet west North Pecos Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9352

AN ORDINANCE VACATING AND ABANDONING A 0.07-ACRE PORTION OF ALLEY RIGHT-OF-WAY ADJACENT TO LOTS 3-10, BLOCK 59, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WALL STREET, APPROXIMATELY 150 FEET WEST OF NORTH PECOS STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$12,196.80; AND ORDERING RECORDATION BY THE CITY SECRETARY

Development Services Director Chuck Harrington gave a brief overview of the item noting request to abandon the southern portion of an alley. applicant owns both sides of property and want to develop parking lot and allow alley to empty into parking lot and into street. it will be dedicated easement to city prior to recording vacation. Johnse ction 2 cont upon getting dedications in place. Sparks their paying \$12,000 for row and dedicating row is that the differenc between linear footage. Lacy will affect trash pick up no.

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

andrew mellon 1909 w wall maverick engineering. vacate alley way to add more parking to lot. divert alley to pecos it was never suggested to trade area so did not think to ask to trade. parking structure. andrew no provide mroe parking and allow to make parking lot prettier. Love any type of barrier there. andrew install curbing so can't come up into alley and northern side blocked off. Not a lot of room to put wall. Replat that was new news to me will hav eto replat? chuck examine of possibility it may be a straight dedication.

There being no one else wishing to speak, the public hearing was closed at 11:10 a.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9352.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9352 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

35. At approximately 10:45 A.M. hold a public hearing and consider an ordinance on a request by Chet K. Gray for a zone change from PD, Planned District for a Shopping Center to C-3, Commercial District on Lots 3A, 4A and 5A, Gamblin Addition, Section 4,

and Lots 6 and 7, Block 1, Gamblin Addition, Section 3, all located in City and County of Midland, Texas. (Generally located northwest of the intersection of South Midland Drive and Seminole Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9353

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 3A, 4A AND 5A, BLOCK 1, GAMBLIN ADDITION, SECTION 4, AND LOTS 6 AND 7, BLOCK 1, GAMBLIN ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS A C-3, COMMERCIAL DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH MIDLAND DRIVE AND SEMINOLE DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting wishing to place storage sales lot on location. underlying zoning currently does not allow. Asking for c3 which allows for storage. as part of c3 aslo req 15 foot setback wher eabuts residential. two loj regaridng pot flooding. It is in flood plain so has to be addressed by moving buildings up out of flood plan. p7z rec unan to approve staff concur. Love who opposition letters from? chuck residents behind. Both loj from same person and say same thing. Morales is ther ea retnetion basin near by chuck yes.

Mayor Morales opened the public hearing at 11:14 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9353.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9353 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

chuck what typ0e of storage (Lacy) Chuck mfgd sthipped there 200-300 sq foot such as back yard. Lacy concern lack of retail in area. In past any othe ruses? chuck currently conven and car lots, lacy asked aplicant forward. Steve Bounds 11:16 a.m. currently there is ?? those buildings stay tseminole replatted into one and thats one using building on ones to north want rezone all for future can do something else at later date. buildings come from seminole shells not finished inside. as far as flood zone don't know what can do on that. No lien. will fence property all the way around. sparks selling buildings. Steve yes most are wood put in six foot fence between then and residents behind. storage moved to another location. metal fence and pipe fence around rest. Love pdsc slooks like requesting zone change by tiny zone still pdsc does tha tnot present problem for staff. do you have a cncernl. chuck doesn't own property result is little strip of land tha tis pdsc it minmizes. don't rezone someone elses property do as individual requests. Lacy

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

36. At approximately 10:48 A.M. hold a public hearing and consider a resolution on a request by Sonny Aguilar for a Temporary Land Use Permit for a Mobile Food Vendor on Lot 12, Block 26, Original Town Addition, City and County of Midland, Texas. (Generally located southeast of the intersection of North Colorado Street and West Ohio Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 433

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A MOBILE FOOD VENDOR ON LOT 12, BLOCK 26, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST OHIO AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting would like to locate mobile food truck on lot. provided with site plan in discussion this morning stated these are just sites that they can move around to protect perm structure is double decker bus with another structure for restrooms and outdoor dining. It was confusing for staff. temp permit for one year as all mobile vendor permits are. staff concern with 2 am closing. seems strange to have mobile food truck after 11 or 12 at night. Lacy move to defer until after 43 since go together.

Love question about it, ord section 2 item c use of shop confirm which is exhibit A that means that if he were to move around he would have to conform to those exact spots. Hotchkiss all those sites are where he might put his truck. He has a mobile food vending.

go to 43

Mayor Morales opened the public hearing at 11:58 a.m.

sony aguilar po box 7747. mobile truck is going to move will use bus for sun, wind only one bus to create a chambre of ambience for area. It's a draw huge bright red bus. asked for same late hours not saying will always be open but want to have it just in case. Lacy this has to be approved every year regardless. Htochkiss approved also for bus in place. Aguilar correct not from moving bus and alcohol must stay within fence. this will only be simultaneously required to get a mobile vendor permit, that's what this request is. that's what this is. Love question section 2 item c where says has to conform to exhibit A site plan no dimensions on that so literally impossible for him to conform of where it is supposed to sit how can solve problem. John same way as previous have staff substitute site plan that was tied down. amend to have have staff site plan that ties down specifics of location of mobile food vendor truck.. Morales reso no second reading. amend to limit perimeter to land owners property. want to do special events private parties it would be a draw for downtown midland. Have two chefs both busses there and face off and let the public decide. Lacy can see having both is great when downtown.

There being no one else wishing to speak, the public hearing was closed at 12:04 p.m.

Council Member Lacy moved to adopt Resolution No. 2014 - 433 with amendment that mobile food bus stays within boundary of property; seconded by Council Member

Robnett.

patrick if leaves property has to get mobile food vendor license.

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

37. At approximately 10:51 A.M. hold a public hearing and consider an ordinance on a request by Burkett Media/Robert Anderson for a Specific Use Permit with Term for an Electronic Billboard on a 3.00-acre tract of land out of Section 31, Block 40, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the north side of State Highway 191, approximately 3,000 feet east of North FM 1788.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9354

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3.13-ACRE TRACT OF LAND OUT OF THE SOUTHEAST QUADRANT OF SECTION 31, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 3,000 FEET EAST OF NORTH FARM-TO-MARKET ROAD 1788), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR AN ELECTRONIC BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting request for elec billboard on hwy 191 meets spacing requirements. complies with intent of current ord. primary route from midland to odess and airport. electronic billboard. p7z rec approval by 6-2 vote.

Mayor Morales opened the public hearing at 12:08 p.m.

Chris Stokes, Lamar Advertising, on plan tx dot measure up row from 1788 following roadbed of hwy and so proposing structure on Mr. Vasquez property afraid 1500 feet of this one so only one allowed. this one approved back in march believes only one allowed like it to be theirs mistake of staff so want to make considered before other. Sparks its item 44 item 44 was deferred back in April agree need to be careful of approving someone else do remember they already taken down billboards and whether billboards effective of where at is not relevant fact took it down before came with expectation of being able to put it in. If had to choose between two choose one that did it last spring. Need to put items when submitted this done back in March this one in June why wasn't put first on agenda. Morales burkette signage have exist on 191 to east. chuck had staff reconfirm distance yesterday and ample room. not sure how complies with txdot. no intent on staffs part.

beau burkett poboxaustin, sign complies with everything ample room for both signs. Lamar could chose to move to keep his out. been working on site for over a year. like

to point on small family owned busines sonly one other billboard in town. billboards are intrinsically expense for fyully leased more affordable rates to businesses in area. will adhere with all requirements. Have on site 30,000 sq ft of commercial businesse son proeprty. don't have opportunity to market. serve two needs and competition is good if character of area to have choice one co owns everybillboard on rd. love distance is 1600 feet measure in straight line. beaus houldn't be issue at all. it meets all criteria of ordinance. Lacy does txdot do same way? chuck no trying to make same.

Sparks don't measure same as TXdot but know how to mesure will itmeet specs of TXDOT for both to be there. chuck if following curve should be even longer. chuck whihc is what ord clals for straight line. Beau don't blame lamar but look at small man room for both.ultimately don't want competition.

Love asked Chris withdraw objections if 1600 feet measure to this curve think only room for one billboard. If he gets approved will get blocked. unless theri telling . Love reaffirm City measured between two and it is 1600 feet. chuck 1650 feet.

Tony Lockeridge outdoor advertising. speaking on behalf of mr burkett signs removed to open possibilities. billboard com never wants to remove a single sign. attrition occurs when land owner doesn't want sign to reamin. utilizing example of removing signs that were coming down anyway should get any type of ismilar jurisdiction. if in movie business but had to take down drive in incongruent to that. Hope board realizes that. Morales think attitude is this Council is trying to understand the influx of all of these signs period.

Beau Burkett can only remove signs to remove, new ord is pending very restrictive prohibiting new billboards for next part only one permit turned in today.

There being no one else wishing to speak, the public hearing was closed at 12:20 p.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9354.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9354 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Love purpose for deferral on other itme was for lamar to have time to take billboards down. chuck this was in response to council action because wanted new orjdinance.

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

38. At approximately 10:54 A.M. hold a public hearing and consider an ordinance on a request by Lockridge Outdoor Advertising, LLC/Terry McCall for a Specific Use Permit with Term for an Electronic Billboard on Lot 1, Block 6, Haley Heights, City and County of Midland, Texas. (Generally located southwest of the intersection of South Rankin Highway and Collins Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9355

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 6, HALEY HEIGHTS ADDITION, CITY

AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF SOUTH RANKIN HIGHWAY AND COLLINS AVENUE), WHICH IS PRESENTLY ZONED LR-3, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR AN ELECTRONIC BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; 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 Lokeridge outdoor adv proposing to outdoor billboard 30 feet and 320 feet. location and design meets current code p7z rec approval 602 one loj received in packet.

love nearest billboard chuck exceed 1500 feet.

Mayor Morales opened the public hearing at 12:23 p.m.

Tony Lockeridge 2110 Ranch Rd, answer any questions followed ord for all criteria. historiclaly signs of nature permitted along same road. small business. relocaed family to TX to build a company and entered Midland put ad in paper and found shay hall who lives here as resident and work together to find locations. Read 4000 codes across us. one or largest developers throughout country. very diligent in making sure followed criteria and followed sup process. With lack of adequate competition rates are extremely high. this sign great avenue to direct to business. asking mayor and council to consider app. lacy how mahy billboard. working to obtain 10 no existing billboards. Sparks applying for electronic is it electronic on both sides? Tony whole sign can be electric will let advertisers dictate if back to back. only sign in area is sb side if only single face it will be a north bound read. but reserves option to keep. Morales when does decision have to be made. Sparks Rankin is TxDot. Tony has permit and conforms to same stnadards as TXDot requires. Robnett when will see additional 9? Tony batched together so alot of properties been working on for a significantly long time. robnett from first to tenth how long period. Tony ballpark within 60 days less then that. Robnett why onslaught? Tony appreciate for someone who is trying to build business where sacel matters. the difference between apply 10 on one dya vs a year. did not ramp up any operations this s court laid out prior to build businesses. Was going tobuild number of signs all leg work can.

There being no one else wishing to speak, the public hearing was closed at 12:31 p.m.

Morales closes billboard? chuck front and florida. Morales one to south? if this was approved there would be 6 between florid and I-20.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9355.

Council Member Love moved approval of the first of two readings of Ordinance No. 9355 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

Council will go to executive session next.

39. At approximately 10:57 A.M. hold a public hearing and consider an ordinance on a request by Lockridge Outdoor Advertising, LLC/Arlie Bryant for a Specific Use Permit with Term for an Electronic Billboard on Lot 1, Block 17, Original Town, City and County of Midland, Texas. (Generally located northwest of the intersection of North Lamesa Road and East Front Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9356

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 17, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH LAMESA ROAD AND EAST 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 A BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting request to construct billboard at 801 first street. undeveloped max ht 30 ft 300sq ft 15 foot setback off front. complies with city code p7z rec approval 602 one loj. Love did nto have probelm with last one concern across front appears to be existing billboard or giant sign at Greater Life. that is within 1500 feet. 1500 for elec 1000 for reg. distance only applies to same sign of street. chuck that is one of issues fixing to address. way ord is todya this complies.

Mayor Morales opened the public hearing at 1:24 p.m.

Tony Lockrige lockrige outdoor advertising, currently zoned under section or ord broken into two sections. a lot of understanding and misunderstanding of differentiation. There are several zonign that doez not require sup permitted by right. this is one of those locations that does require approval. several signs that did nto require sup or procedure. Yield to city attorney to further clarify tis is better opportunity to discuss if willing to expand on differentiation between two sec. John section of side Code 7A in effect. 7a require in connection with billboards leads to compliance with billboard and zoning code clearly requires zoning code thereby by right they are not entitled. with respect to other signs not sure. They should not have been approved and probably should. Asking for Council is fairness and due process through entire aspect. historically staff report third of feb staff rec sup route there are two sections some permitted by right. staff in past has clearly followed that understanding and as such there are signs that have not had to go through. To be at risk like lasat vote where other companies have been able to receive permit by right affect constitutional rights are all compromised. sign across street that is not an advertising sign. Morales anythign spec to this request. no.

There being no one else wishing to speak, the public hearing was closed at 1:28 p.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9356.

dies for lack of motion.

Council Member moved approval of the first of two readings of Ordinance No. 9356 in accordance with the Charter of the City of Midland; seconded by Council Member .

40. At approximately 11:03 A.M. hold a public hearing and consider an ordinance on a request by Lockridge Outdoor Advertising, LLC/Culver Building Contractor for a Specific Use Permit with Term for a Billboard on Lots R & S, Tract 1, Stockyard Acres, City and County of Midland, Texas. (Generally located between West Industrial Avenue and West Florida Avenue, approximately 1,100 feet east of South Garfield Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9357

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS R AND S, TRACT 1, STOCKYARD ACRES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED BETWEEN WEST INDUSTRIAL AVENUE AND WEST FLORIDA AVENUE, APPROXIMATELY 1,100 FEET EAST OF SOUTH GARFIELD STREET), WHICH IS PRESENTLY ZONED C-3, COMMERCIAL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting request within c3 zone. max ht of 30 feet double sided with sign faces 32 X 12. traffic serving local surround business. request does provide current ord for City billboards. p7z rec approval by 5-3. Love nearest sign? chuck outside the distances.

Mayor Morales opened the public hearing at 1:31 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9357.

Council Member Love moved approval of the first of two readings of Ordinance No. 9357 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Sparks question is this another electronic? chuck static. Sparks realize where it is a lot of business on both sides of street. don't see problem.

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

41. At approximately 11:06 A.M. hold a public hearing and consider an ordinance on a request by Lockridge Outdoor Advertising, LLC/Isidoro Salas for a Specific Use Permit with Term for a Billboard on Lot 4, Block 10, Greenwood Addition, City and County of Midland, Texas. (Generally located on the west side of South Fairgrounds Road,

approximately 110 feet north of East Washington Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9358

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 4, BLOCK 10, GREENWOOD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH FAIRGROUNDS ROAD, APPROXIMATELY 110 FEET NORTH OF EAST WASHINGTON AVENUE), WHICH IS PRESENTLY ZONED C-3, COMMERCIAL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting undeveloped lot in c3 max ht 30 ft sqft 384 will be ocaed 12 1/2 ft of row. locationa nd design meets current code p7z rec approval 4-3.

Mayor Morales opened the public hearing at 1:34 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Love history of south side all is mf2 but residential and then c3. don't know if sufficient buffer. billboard in viewed as neighborhood gave conserternation. not opposed just don't know.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9358.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9358 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Love tell about any existing billboards on Fairgrounds south of project. chuck doesn't believe any until interstate. between cloverdale and front this is first one. none within spacing distance for sure.

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

42. At approximately 11:09 A.M. hold a public hearing and consider an ordinance on a request by Midland Self Storage for a Specific Use Permit without Term for Utility Storage on Lot 6B, Block 3, Corporate Plaza Addition, Section 9, City and County of Midland, Texas. (Generally located on the east side of North Big Spring Street, approximately 200 feet south of Spring Park Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9359

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF LOT 6B, BLOCK 3, CORPORATE PLAZA ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 200 FEET SOUTH OF SPRING PARK DRIVE),

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

Development Services Director Chuck Harrington gave a brief overview of the item noting existing plan site that has storage bldgs on it and wishing to expand to add 2 additional buildings 13 in one 18 in another. consistent with what done in past. modified plans per staff rec to meet fire code et.c p7z rec uanan staf concur.

Mayor Morales opened the public hearing at 1:41 p.m.

Ben Sanchez 408 N Pecos schuman eng here for any questions.

There being no one else wishing to speak, the public hearing was closed at 1:42 p.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9359.

Council Member Love moved approval of the first of two readings of Ordinance No. 9359 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Morales this is add on. Does staff ensure fencing lighting everything up to par. chuck yes.

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

43. At approximately 11:12 A.M. hold a public hearing and consider an ordinance on a request by Sonny Aguilar for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 12, Block 26, Original Town Addition, City and County of Midland, Texas. (Generally located southeast of the intersection of North Colorado Street and West Ohio Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9360

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 12, BLOCK 26, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST OHIO AVENUE), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA 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

Development Services Director Chuck Harrington gave a brief overview of the item noting this item related to #36 for sup for sale of alcoholic beverage has nothing to do with structure itself. proposing to turn double decker bus into rest so it will be considered a structure. 74 seats. have a problem with rest serving alco bev until 2 am conc about 2 am becomes more of bar in downtown area. received no written objections. Love just pertains to permanent structure no mobile. Love limit alcohol to midnight but stay open later. chuck correct. Morales unique situation .

Mayor Morales opened the public hearing at 11:27 a.m.

Sony Aguilar po box 7747 Midland Tx , has more pictures to pass around. Love he is here this ph is for alcohol sales shared pictures those are existing restarants tha tare fixed one in NC the othe rin Canada and the third in Austin. That is his concept. The one bound see more details of ktichen and upper deck. Idea bottom floor is ktichen seating on top and in front of bus. Menu 5-6 items constnatly change chef driven ktichen. unique and custom. alcohol used to pair with foods. beers/wine always change as well.. morale sfull commercial ktichen utilities in place in ground what bout mix will maintain 60/40 mix and above. Sony yes, any alcohol should b eserved with food always. planning to serve more food plan to open for lunch. Htochkiss restroom facilities. Sony that is other item the restroom is plumbed direct. whole concept it to make bus and trailer look like it can drive away but it can't. Do you have pictures of structures. Sony all torn up now but same model which is route master his is 61 and 56 leman. Lacy scale of other property same size. Sony that is a cut top 37 bristol. Lacy this business did not suceed how long before you mvove structure. Sony immediately. Morales alco sales in on the vehicle and on the patio in the fnce are. total seating 70. Robnet security? Dufford bigger question is that what we want in downtown? Sparks don't know would be looking at something like this everywhere but once you do one. Have a problem with whole concept (dufford). sparks have picture one of bus in austin. how come didn't take pictures of all buses in austin. how many in Austin. just one. found only 2 in country and one in canada tha tis fixed. in austin has long has it been there? Sparks just because have one doesn't mean everyboyd is going to want to do it. Htochkiss what hppened with mobile food park concept. Mayor keep to ph schedule. Lacy any problem with red hours of operation for alcohol sales. Sony no would like to keep hours open for food. There are other bars in area that don't serve food. if can stya open to cater to thos evenues that would be great. Jerry meeting with TABC already J liked can't continue until bus is there. haven't had any letters of compliants. Love want clarity for own sake the bus as a fixed structure is allowable by right? chuck as a structure you can hav estructure has certain requirements has to meet and it becomes a structure. Love two things request for alcohol which should be determined on tha tstructure and then mobile vendor which is seprate operation. alco request stand on its own not in consideration of mobile aspect. Lacy first is used as windblock for majority of project. Love alcohol only pertains to fixed structure. Robnett still proceed with development without an alcohol permit? Sony Saprks in Midland its hard to make rest go with no alcohol. sony need both to make project work. Love first application is about mobility. Morales only dealing with fixed structure only.

Morales if get below 60/40 or below mix how will that be monitored? chuck it would be incumbent on staff to periodically monitor and renewal of permit come sup. sparks rec shutting alco sales at midnight and allow food to cont until 2 am. robnett agree would

also like to see secirotu tjir throuh sat.

Gloria Salazar 2504 Camble Tree Cove, here to speak on positively on ventures behlf. own so fly boutique and ?? both establishments downtown open for 18 months and keeping up with downtown revitalization effort. need ventures like this downtown. know that city eladers take trips to other progressive downtowns. don't think will be like Uastin denver but being different is not a bad thing. encourage to allow small entrepreneuers to start something. You have code permits and can monitor progress. More comfortable tosee chain franchise but truth of matter is here willing to invest. committed. Aguilar has has very instrumental pos getting so fly revamped and owns a couple of businesses already. good for Midland encouraged to vote for. Mr. aguilar landlord. Herlandlord.

Phil Cuadell she is my landlady for long tim its been said revitalize downtown 11:43. this gentleman has idea alittle out of box but good idea. If watch cooking channel food channel big this is mich places to eat. Also applying for liquor license. its hard to do businesses in midland if don't sell beer or wine. Heard comment is this how want downtown to look. Midland is kind of ugly it doesn't have buildings that have character. Midland doesn't have that they probably had that nad as oil came in got torn down and large bldgs built. Have to revitalize midland. If it were to fail it wouldn't take long to get up and move to another place. rec going for it.

There being no one else wishing to speak, the public hearing was closed at 11:46 a.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9360.

Council Member Love moved approval of the first of two readings of Ordinance No. 9360 in accordance with the Charter of the City of Midland with amendment to limit sup to one year from opening date with council approval for renewal; seconded by Council Member Lacy.

Lacy any way to not make junk vehicle what is implication. John difficult to treat this structure as a junk vehicle if city has issued a cert of occ and health permit to operate his restaurant. sparks just like every other abandoned building or rest around town. HOpefully that is not what is going to hpapen. Like idea of changing menu. Catering to younger crowd or walking crowd form business. Just because have one business doesn't mean it will crop up all downtown. If build building tha tlooks like bus. Dufford if decide to approve this then treat liek a buffalo wildwings as far as security and alcohol. wouldn't amend or treat differently than any other restaraunt. buf wild wings thur through sund start 6 or 7 p.m. Morales took sunday off for security at buffalo.

P aguilar buffalo wild wings pump out volumes and volumes of beer. with food and serving with alcohol should be controlled as food vendor responsibility to control. that is one thing they will control. One way control it is prices. will never have 10 cent beer or pwoer bongs or shooter drinks. It will be nice and safe. Morales appreciate passion concern is outdoor type seating and so that is one factor. second is cannot control whether turn into bar atmosphere and have to follow trend to keep doors open. Hope can control it through food. Dufford on other thing can do is fence they have to come back every year for permit. can see how it figures. Courtney two year permit with admin approval but can change it to one year with council approval. If problems that arise tha tpolice clded to then change things around. Sony TABC is two years and same

thing unless require people to buy food to eat alcohol hard to minor. His staff. Hotchkiss point out that SUP will stay even if were to sell restaurant. Someone else can take over. sparks go 2 years. just don't admin approval. He's right to make it conform with TABC. Dufford this is only chance if worried about fighting this is only chance to put that in. Lacy this is seasonal. Morales what about security. dufford no review after one year. If problems will get security.

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

44. At approximately 11:15 A.M. hold a public hearing and consider an ordinance on a request by Lamar Advertising/Chris Stokes for a Specific Use Permit with Term for a Billboard on Lot 1, Block 2, West Industrial Park, Section 3, City and County of Midland, Texas. (Generally located on the north side of State Highway 191, approximately 750 feet east of FM 1788.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9361

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 2, WEST INDUSTRIAL PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 750 FEET EAST OF FARM-TO-MARKET ROAD 1788), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting this semi discussed in previous application. this is lamar adv planning to erect 191 closer to 1788. agreed to remove another existing billboard in exchange. this will add no additional count. applicant already removed other billboard. this app meets rec of current code p7z rec approval.

Mayor Morales opened the public hearing at 1:45 p.m.

chris def staff unless questions.

Beau Burkett Austin, Burkett media discussing his site. Mr. stoke stated earlier felt did not have proper spacing between them. staff did measure but candidate feels like there isn't. just wanted to point taking huge financial risk as approved earlier didn't know another sign would be added that close. Want everyone to take a look at that if client doesn't think there proper spacing so that's a mute issue. personally getting tired. during meeting lacy. sparks he brought his first and it was deferred in order to look at new order really think it would be unfair to say new guy you've already said you're going to be less expensive shouldn't have problem putting anyone on your sign. Had intention of not voting but made a good point that competition is good so voted for his. Love didn't hear that ironic when talking about your sign claiming his sign wouldn't impact and now talkign about his sign saying it will impact. Lacy is it over 1500 feet? Chuck staff measurements yes.

There being no one else wishing to speak, the public hearing was closed at 1:49 p.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9361.

Council Member Love moved approval of the first of two readings of Ordinance No. 9361 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Htochkiss no matter where are more impac ton city and way it looks. mroe impac ton drivers and can say what wish distract drivers. what is a sign why do they exist to catch attention.

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

45. At approximately 11:18 A.M. hold a public hearing and consider a resolution on a request by Joe 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. 2014 - 434

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

Development Services Director Chuck Harrington gave a brief overview of the item noting applicant has done some 20 odd years. location used in past at casa verde nrserly nov 28 through dec 20 10-10. staff rec approval.

Council Member Lacy moved to adopt Resolution No. 2014 - 434; seconded by Council Member Robnett.

Mayor Morales opened the public hearing at 1:52 p.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.

46. At approximately 11:21 a.m. hold a public hearing regarding route changes to EZ-Rider. (This is a public hearing only, no action will be taken.) (DEVELOPMENT SERVICES)

pulled by applicant request.

47. At approximately 11:24 a.m. hold a public hearing and consider an annexation of the property being a 5.23-acre tract of land out of Section 37, Block 40, T-1-S, T&P RR Co.

Survey, Midland County, Texas. (Generally located on the west side of Tradewinds Boulevard, approximately 170 feet south of Champions Drive). (This is a public hearing only, no action will be taken.) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting request one of City property annex for future fire station. will be needing zoning in area around AE don't need anything else.

Mayor Morales opened the public hearing at 1:53 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Development Services Director Chuck Harrington reminded Council that the second public hearing for this item will be held at 8:15 a.m. tomorrow morning.

48. At approximately 11:27 A.M. hold a public hearing and consider an ordinance on a request by John Shakarjian, Jr. for approval of a Special Exception to the Zoning Code concerning the maximum building height on Lot 1A, Block 8, Westridge Park Addition, Section 30, City and County of Midland, Texas. (Generally located southeast of the intersection of Deauville Boulevard and Griffith Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9362

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1A, BLOCK 8, WESTRIDGE PARK ADDITION, SECTION 30, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF DEAUVILLE BOULEVARD AND GRIFFITH DRIVE), BY PERMITTING A BUILDING TO EXCEED THE MAXIMUM HEIGHT LIMIT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting request for parking structure part of OXY Development. Had max ht of 68 feet and had two locations over stair enclosures exceeded that height. they requested stair enc be allow to increase to ??? 1:56 p.m. In underlying O-2 would be allowed. Fairly simple thing no reason to support but out there for you.

Mayor Morales opened the public hearing at 1:57 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9362.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9362 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.

49. At approximately 11:30 A.M. hold a public hearing and consider a resolution supporting the VDC Compass Pointe, LP development application to the Texas Department of

Housing and Community Affairs. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 435

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS STATING NO OBJECTION TO VDC COMPASS POINTE, LP'S APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR 2014 HOUSING TAX CREDITS FOR A PROPOSED DEVELOPMENT OF AFFORDABLE RENTAL HOUSING THAT WILL BE LOCATED AT 1509 WAYSIDE DRIVE, MIDLAND, TEXAS, KNOWN AS COMPASS POINTE APARTMENTS; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS; AND PROVIDING AN EFFECTIVE DATE

Development Services Director Chuck Harrington gave a brief overview of the item noting on last meeting talking about site plan they are coming back to give reso of support to tdhca for taxes and thats what reso is for.

Council Member Love moved to adopt Resolution No. 2014 - 435; seconded by Council Member Hotchkiss.

Mayor Morales opened the public hearing at 1:59 p.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.

MISCELLANEOUS

50. Approved a motion appealing the Building Official's denial of a sign permit application by Terry Productions Inc. located on 5501 Sherwood Drive, City and County of Midland, Texas. (Generally located southeast of the intersection of Sherwood Drive and Sandstone Drive.) (DEVELOPMENT SERVICES)

pulled.

51. Consider an ordinance establishing intersection stops at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES)

ORDINANCE NO. 9363

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

Traffic Engineer Mike Pacelli gave a brief overview of the item noting standard stop sign ord adding 3. one 37 new intersection constructed or platted. 41 int proposing to

convert from yield to stops. final one is 4 int in downtown along Missouri that have traffic signals. in need of complete reconstruction 150,000 200,000 each not warranted. Feel like it is appropriate to convert to all way stop control. if warranted can be added won't be significantly more than what costs to day. mariend a colorado and lorain. only one at Big Spring.

Morales if pole goes away do we put up decoration. Mike all taller poles will remain in service. shorter poles come out but don't have deco.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9363.

Council Member Love moved approval of the first of two readings of Ordinance No. 9363 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

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

ORDINANCE NO. 9364

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

Mike pacelli complementary to stop sign ord removes yield signs

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9364.

Council Member Love moved approval of the first of two readings of Ordinance No. 9364 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.

53. Approved a resolution authorizing the Mayor to execute an Employment Agreement with the next City Attorney effective March 1, 2015. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2014 - 436

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT WITH THE NEXT CITY ATTORNEY EFFECTIVE MARCH 1, 2015

Council Member Sparks moved to adopt Resolution No. 2014 - 436; 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.

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

none.

adjourn 2:06 p.m.

EXECUTIVE SESSION

Mayor Morales recessed meeting to Executive Session at 12:34 p.m. Will return no sooner than 1:15 p.m.

reconvene 1:21 p.m.

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

- a. 551.074, Personnel Matters

- a.1. Deliberate the appointment, employment, duties, and compensation of the new City Attorney.

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