MIDLAND CITY COUNCIL
MINUTES
December 16, 2014

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ___ a.m. on December 16, 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., December 16, 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 9:30 a.m.

1. Invocation - Dr. Tim Walker, First United Methodist Church

2. Pledge of Allegiance

PRESENTATIONS

Dufford/ Catherine clifton presented 2014 Management Awards
External SErvice and Delivery - Code Admin; Monetary Savings 1st Medicaid admin cliams Health Dept; 2nd Johnny Doss CISD; Internal efficiency and Innovation - Scan Tron Police Dept ; Cindy Hogue tracking open purchase orders 2nd place; 3rd place Midland PD; Innovation - Us Customs Charges Kim Watkins 1st place; 2nd place sal garcia health dept insurance third party billing;

Laurie and Tina forward from Comm Svcs Htochkiss acknowledge hard work for all of Deember activities.

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

   a. Presentation to the 2014 Management Award Recipients.

PUBLIC COMMENT

Dr. Ryder Warren, Midland ISD Superintendent, most important issue teen took life about one month ago. Biggest issue is young man was 10th suicide in last 4 years. Oldest 18 youngest 13. 8 school district 1 home school, one private school. Integrated new curriculum, trained staff and community. School board will lead direction to stop suicide can't be ignored asked for Council help and support and guidance. Begun meetings with hospital and provide mental health services for children. Mayor here to help.

clifford Sandezn 4700 Polo Parkway, object to 62 on agenda city council negot ex hotel santa rita. Understand the reso is non binding but auth the mayor to express intent . 1st exclusivity reduces competition to develop or redevelop downtown. second reason hotel as currently planned and proposed is unsightly has no plac ein Midland. downtown dev should be based off of character. conservative family minded church on Sunday proud of tidy homes. pres on tuesday night little slic eof Austin in Midland no thank you. don't want sustainable. midland is ustainable is more drilling means different in Austin.

Joel Rodgers 2200 N a Street, spoke with Keith Mcclend, will email questions and would like official answers. In light of Santa Rita pres want to know how doles of hotel project different from rpev tower project. Is not city to be for non profit. if for non profit then why obtain abandoned buildings downtown. since already had sev abandoned building downtown why spend tax money to buy court house. if interested in living downtown why is not have city purchase an abandoned building? why is the von building costing $13M to renovate from $25M for 3-4 story court house.

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 - 28 excluding 5b,5 c, 23, 26, 27, 29; 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:

sparks to abstain.

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

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

a. Regular meeting of November 18, 2014.

b. Special meeting of November 18, 2014.

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

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

c. Special meeting of November 19, 2014.

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

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

6. Approved a resolution awarding a contract for janitorial services for the Midland International Air & Space Port. (PURCHASING)

RESOLUTION NO. 2014 - 437

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH AMERICAN FACILITY SERVICES, INCORPORATED OF ALPHARETTA, GEORGIA FOR JANITORIAL SERVICES AND MAINTENANCE CONTRACT AT MIDLAND INTERNATIONAL AIR AND SPACE PORT; THE MONTHLY RATE IS $39,505.00, TOTALING $2,370,300.00 FOR FIVE (5) YEARS

7. Approved a resolution approving a contract for the Douglas and D Street Water and Wastewater Line Replacement Project for the Engineering Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2014 - 438

RESOLUTION AWARDING A CONTRACT FOR THE DOUGLAS AVE. & D ST. WATER & WASTEWATER REPLACEMENT PROJECT TO TEC EXCAVATION, INC., OF MIDLAND, TEXAS, AT A TOTAL COST OF $870,500.00; APPROPRIATING FUNDS IN THE AMOUNT OF $1,630,124.00; AND AUTHORIZING PAYMENT FOR SAID CONTRACT IN AN AMOUNT NOT TO EXCEED $870,500.00

8. Approved a resolution approving the purchase of two (2) administrative cars, one (1) sport utility vehicle, eight (8) full size ½ ton regular cab pickups, two (2) full size ½ ton super cab pickups, two (2) full size ½ ton super crew pickups, four (4) full size ¾ ton super crew pickups and one (1) full size 1 ton heavy duty cab and chassis for the Garage Division. (PURCHASING)

RESOLUTION NO. 2014 - 439

RESOLUTION APPROVING THE PURCHASE OF TWO (2) ADMINISTRATIVE CARS, ONE (1) SPORT UTILITY VEHICLE, EIGHT (8) FULL SIZE ½ TON REGULAR CAB PICKUPS, TWO (2) FULL SIZE ½ TON SUPER CAB PICKUPS, TWO (2) FULL SIZE ½ TON SUPER CREW PICKUPS, FOUR (4) FULL SIZE ¾ TON SUPER CREW PICKUPS, AND ONE (1) FULL SIZE 1 TON HEAVY DUTY CAB & CHASSIS FROM ROGERS FORD LINCOLN OF MIDLAND, TEXAS, AND CALDWELL AUTOMOTIVE PARTNERS LIMITED, DBA CALDWELL COUNTRY CHEVROLET, OF CALDWELL, TEXAS, AT A TOTAL COST OF $461,230.00; AND PROVIDING THAT OTHER LOWER BIDS FOR ITEM NUMBERS FOUR (4) AND FIVE (5) ARE REJECTED IN FAVOR OF THE LOCAL BIDDER PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 271.9051

9. Approved a resolution approving the purchase of two (2) Peterbilt LCF RH drive refuse cart trucks through Buyboard contract 430-13 from Rush Truck Center of Texas, LP - El Paso of El Paso, Texas for a total cost of $551,956.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2014 - 440

RESOLUTION APPROVING THE PURCHASE OF TWO (2) PETERBILT LCF RH DRIVE REFUSE CART TRUCKS FROM RUSH TRUCK CENTER OF TEXAS, LP - EL PASO, OF EL PASO, TEXAS, THROUGH BUYBOARD AT A TOTAL COST OF $551,956.00; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

10. Approved a resolution approving the purchase of two (2) motor graders for the Garage Division. (PURCHASING)

RESOLUTION NO. 2014 - 441

RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) MOTOR GRADERS FROM WARREN POWER AND MACHINERY, INCORPORATED, DBA WARREN CAT OF ODESSA, TEXAS, AT A TOTAL COST OF $385,900.00

11. Approved a resolution approving the purchase of twenty-six (26) police package vehicles through Buyboard contract 430-13 from Caldwell Automotive Partners Ltd. dba Caldwell Country Chevrolet for a total cost of $791,670.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2014 - 442

RESOLUTION AUTHORIZING THE PURCHASE OF TWENTY-SIX (26) POLICE PACKAGE VEHICLES FROM CALDWELL AUTOMOTIVE PARTNERS LIMITED, DBA CALDWELL COUNTRY CHEVROLET, OF CALDWELL, TEXAS, THROUGH BUYBOARD AT A TOTAL COST OF $791,670.00; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

12. Approved a resolution approving the purchase of one (1) 2-3 cubic yard dump body, one (1) 4-6 cubic yard dump body and three (3) 12-14 cubic yard dump bodies from the sole bidder, Equipment Southwest, Inc. of Irving, Texas, for a total cost of $130,618.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2014 - 443

RESOLUTION APPROVING THE PURCHASE OF ONE (1) 2-3 CUBIC YARD DUMP BODY, ONE (1) 4-6 CUBIC YARD DUMP BODY, AND THREE (3) 12-14 CUBIC YARD DUMP BODIES FROM EQUIPMENT SOUTHWEST, INCORPORATED, AT A TOTAL COST OF $130,618.00; AND EQUIPMENT SOUTHWEST, INCORPORATED, WAS THE SOLE BIDDER

13. Approved a resolution approving the purchase of Ammunition for the Police Department. (PURCHASING)

RESOLUTION NO. 2014 - 444

RESOLUTION AUTHORIZING THE PURCHASE OF AMMUNITION OF ASSORTED TYPES AND IN ASSORTED QUANTITIES FOR THE MIDLAND POLICE DEPARTMENT FROM THE RESPECTIVE LOW BIDDERS, GT DISTRIBUTORS, INCORPORATED, BAILEY'S HOUSE OF GUNS, INCORPORATED, PRECISION DELTA CORPORATION, AND BARNEY'S POLICE SUPPLIES, AT AN ESTIMATED TOTAL COST OF $154,307.03; AND ITEM #7 WILL BE PURCHASED FROM THE BIDDER PROVIDING AMMUNITION AT THE BEST VALUE TO THE CITY OF MIDLAND INSTEAD OF THE LOW BIDDER, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 252.043; AND THE CITY COUNCIL ACCEPTS THE CITY MANAGER'S RECOMMENDATION NOT TO AWARD ITEM #7 TO THE LOW BIDDER

14. Approved a resolution ratifying a contract with TEC Excavation, Inc. for the emergency repair of a 30" water line on Illinois Street for a total cost of $79,795.00 for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2014 - 445

RESOLUTION RATIFYING THE CITY OF MIDLAND'S PURCHASE ORDER SUBMITTED TO TEC EXCAVATION, INC., OF MIDLAND, TEXAS, FOR THE EMERGENCY REPAIR OF A 30" WATER LINE ON WEST ILLINOIS AVENUE; AUTHORIZING THE EXECUTION OF A CONTRACT WITH TEC EXCAVATION, INC.

FOR THE EMERGENCY REPAIR OF SAID WATER LINE; SAID REPAIR BEING NECESSARY TO PRESERVE AND PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS OF THE CITY OF MIDLAND, TEXAS; WAIVING ANY BIDDING REQUIREMENTS; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED $79,795.00

15. Approved a resolution approving the purchase of one (1) Gradall Rough Terrain Excavator through Buyboard contract 424-13 from Kirby-Smith Machinery, Inc. of Amarillo, Texas for a total cost of $322,325.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2014 - 446

RESOLUTION APPROVING THE PURCHASE OF ONE (1) GRADALL ROUGH TERRAIN EXCAVATOR FROM KIRBY-SMITH MACHINERY, INCORPORATED, OF AMARILLO, TEXAS, THROUGH BUYBOARD AT A TOTAL COST OF $322,325.00; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

16. Approved a resolution approving a request for proposals for Health Benefits Consulting for the Group Health Plan. (ADMINISTRATIVE SERVICES)

RESOLUTION NO. 2014 - 447

RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS FOR A QUALIFIED FIRM OR INDIVIDUALS TO PROVIDE COMPREHENSIVE CONSULTATION SERVICES FOR GROUP HEALTH AND WELFARE BENEFIT PLANS FOR THE CITY OF MIDLAND

17. Approved a resolution awarding the project described as Taxiway P Aircraft Run-up (7103) at Midland International Air & Space Port to Jones Bros. of Odessa, Texas, and appropriate the necessary funds. (AIRPORTS)

RESOLUTION NO. 2014 - 448

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE SOLE BIDDER, JONES BROS. DIRT AND PAVING CONTRACTORS, INCORPORATED, OF ODESSA, TEXAS, FOR THE PROJECT DESCRIBED AS TAXIWAY P AIRCRAFT RUN-UP (7103), AT A TOTAL COST OF $1,584,320.00, AT THE MIDLAND INTERNATIONAL AIR AND SPACE PORT; AND APPROPRIATING FUNDS

18. Approved a resolution authorizing the execution of a six-month Temporary Right-of-Way License with Dawson Geophysical Company, for seismic testing on Midland International Air & Space Port property. (AIRPORTS)

RESOLUTION NO. 2014 - 449

RESOLUTION AUTHORIZING THE EXECUTION OF A SIX-MONTH TEMPORARY RIGHT-OF-WAY LICENSE WITH DAWSON GEOPHYSICAL COMPANY FOR SEISMIC TESTING ACROSS CITY-OWNED PROPERTY AT THE MIDLAND INTERNATIONAL AIR AND SPACE PORT

19. Approved a resolution authorizing the negotiation and execution of an amendment to the Professional Services Agreement with Parkhill, Smith & Cooper, Inc. for engineering services related to the development of the spaceport at Midland International Airport;

and authorizing payment therefor. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014 - 450

RESOLUTION APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND PARKHILL, SMITH & COOPER, INC. FOR ENGINEERING SERVICES RELATED TO THE DEVELOPMENT OF THE SPACEPORT BUSINESS PARK LOCATED AT MIDLAND INTERNATIONAL AIR AND SPACE PORT

20. Approved a resolution authorizing the execution of a contract with Midland Junior Baseball to promote tourism and the convention and hotel industry in the City of Midland; appropriating funds from the Hotel/Motel fund; and providing that Midland Junior Baseball will promote baseball activities and baseball tournaments in the City of Midland, and appropriate funds to project number 9121. (COMMUNITY SERVICES)

RESOLUTION NO. 2014 - 451

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH MIDLAND JUNIOR BASEBALL ASSOCIATION TO PROMOTE TOURISM AND THE CONVENTION AND HOTEL INDUSTRY IN THE CITY OF MIDLAND; APPROPRIATING FUNDS FROM THE HOTEL/MOTEL FUND; AND PROVIDING THAT MIDLAND JUNIOR BASEBALL ASSOCIATION WILL PROMOTE BASEBALL ACTIVITIES AND BASEBALL TOURNAMENTS IN THE CITY OF MIDLAND; AND APPROPRIATING FUNDS

21. Receive and file the Consolidated Annual Performance and Evaluation Report for 2013/2014. (DEVELOPMENT SERVICES)

22. Approved a resolution authorizing the City of Midland to access HOME Investment Partnerships Program funds from the Texas Department of Housing and Community Affairs through the Reservation System program; such funds to be used for the homebuyer assistance program; designating City cash reserves for funding projects pending reimbursement from the State; and appropriation of funds for the HOME Investment Partnerships Program Reservation System. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 452

RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO ACCESS THE HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS THROUGH THE RESERVATION SYSTEM PARTICIPANT PROGRAM; SAID FUNDS WILL BE USED FOR THE HOME BUYER ASSISTANCE PROGRAM; DESIGNATING SEVERAL CITY SOURCES AS MATCHING FUNDS NOT TO EXCEED $6000.00; DESIGNATING CITY CASH RESERVES FOR FUNDING PROJECTS PENDING REIMBURSEMENT FROM THE STATE; AND APPROPRIATING FUNDS FROM THE HOME INVESTMENT PARTNERSHIPS RESERVATION SYSTEM PARTICIPANT PROGRAM

24. Approved a resolution on a request by The Vineyard Reserve, LLC for a Variance to Title 9, Chapter 4, Section 1 of the City Code concerning the required pavement material of sidewalks within the Vineyard Addition, Sections 3, 5, & 7, City and County of Midland, Texas (Generally located southwest of the intersection of Holiday Hill Road and Green Tree Boulevard.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 454

RESOLUTION GRANTING A VARIANCE FOR VINEYARD ADDITION, SECTIONS 3, 5 AND 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF HOLIDAY HILL ROAD AND GREEN TREE BOULEVARD), TO ALLOW FOR THE USE OF DECOMPOSED GRANITE FOR SIDEWALKS WITHIN SAID DEVELOPMENT

25. Approved a resolution to authorize a Right-of-Way License and Surface Damage Agreement with Atlas Pipeline Mid-Continental WestTex LLC, for the installation, access, and maintenance of one (1) low pressure gas transportation pipeline, not to exceed 12 inches in diameter, crossing City of Midland right of way on Cotton Flat Road in Block 39, Sections 3 & 4, T-2-S, Midland, TX. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 455

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND ATLAS PIPELINE MID-CONTINENT WESTTEX, LLC; SAID RIGHT-OF-WAY LICENSE IS FOR ENTERING CITY OF MIDLAND PROPERTY FOR THE PURPOSE OF PLACING, INSTALLING, CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND REMOVING A LOW PRESSURE GAS 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 3 AND 4, BLOCK 39, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY; 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

28. Approved a resolution authorizing the acceptance of a 0.548 acre drainage easement and a 25 square foot drainage easement from Fasken Land & Minerals Ltd. to serve the Vineyard Addition Section 5 and for the purpose of maintaining drainage and channel capacity in the Midland Draw; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 458

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DRAINAGE EASEMENT COMPRISED OF A 0.548-ACRE TRACT OF LAND AND A 25-SQUARE-FOOT TRACT OF LAND OUT OF SECTION 12, BLOCK 40, T-1-S, T & P RR CO. SURVEY, MIDLAND, MIDLAND COUNTY, TEXAS, FROM FASKEN LAND AND MINERALS, LTD.; AND ORDERING RECORDATION BY THE CITY SECRETARY

23. Approved a resolution authorizing the execution of a six month Temporary Right-of-Way License with Dawson Geophysical Company, for a seismic testing across City streets. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 453

RESOLUTION AUTHORIZING THE EXECUTION OF A SIX-MONTH TEMPORARY RIGHT-OF-WAY LICENSE WITH DAWSON GEOPHYSICAL COMPANY FOR SEISMIC TESTING ACROSS CITY-OWNED STREETS AND RIGHTS-OF-WAY

Council Member Lacy moved to adopt Resolution No. 2014 - 453; seconded by Council Member Sparks.

Ron Jenkins Dawson shoot city of midland streets fasking donating $75,000 for part of shoot. rep here today. Mayor invited partieis forward to be recognized for donating $75,000 to Fire Station #9 in execess of row. Durby Tick GM of Faskin Ranch support and papreciate council. project good for Midland and benefit specifically Manor Park. purpose to do exploration part to develop minerals under Manor park. thanked Council for support and glad to make donation to fire department.

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

26. Approved a resolution to execute a Right-of-Way License and Surface Damage Agreement with Plains All American Pipeline, L.P., for the installation and maintenance of a natural gas pipeline, not to exceed 24 inches in diameter, located in Block 38, Section 44, T-1-S, T&P RR Co. Survey, Midland County, TX, and rescinding the prior Right-of-Way License and Surface Damage Agreement for the same. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 456

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND PLAINS PIPELINE, L.P.; SAID RIGHT-OF-WAY LICENSE IS FOR ENTERING CITY OF MIDLAND PROPERTY FOR THE PURPOSE OF PLACING, INSTALLING, CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND REMOVING A PETROLEUM PIPELINE AND TO HAVE THE RIGHT OF INGRESS AND EGRESS AT CONVENIENT POINTS FOR SUCH PURPOSE; THE PROPERTY IS LOCATED IN MIDLAND COUNTY, TEXAS, BEING SECTION 44, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY; RECORDED IN VOLUME 2308, PAGE 3, DEED RECORDS OF MIDLAND COUNTY, TEXAS; THE LICENSE TERM IS FOR FIVE (5) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE AND SHALL AUTOMATICALLY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL FIVE (5) YEAR TERM UPON 120 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION; AND RESCINDING CITY OF MIDLAND RESOLUTION NO. 2014-366

Lacy pulled 26 and 27 robnett abstain.

Council Member Dufford moved to adopt Resolution No. 2014 - 456; seconded by Council Member Lacy.

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

27. Approved a resolution to execute a Right-of-Way License and Surface Damage Agreement with Plains All American Pipeline, L.P., for the installation and maintenance of a natural gas pipeline, not to exceed 24 inches in diameter, located in Block 38, Section 5 and 8, T-1-S, T&P RR Co, Survey, Martin County, TX, and rescinding the prior Right-of-Way License and Surface Damage Agreement for the same. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 457

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND PLAINS PIPELINE, L.P.; SAID RIGHT-OF-WAY LICENSE IS FOR ENTERING CITY OF MIDLAND 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 MARTIN COUNTY, TEXAS, BEING SECTIONS 5 AND 8, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY; RECORDED IN VOLUME 239, PAGE 49, DEED RECORDS OF MARTIN 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. 2014-367

Council Member Sparks moved to adopt Resolution No. 2014 - 457; seconded by Council Member Lacy.

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

29. Approved a resolution authorizing the City Manager to execute a Renewal Agreement with Schumann Cattle Company for Conner Farm Operations with revised terms. (UTILITIES)

RESOLUTION NO. 2014 - 459

RESOLUTION AUTHORIZING THE EXECUTION OF A 3-YEAR EFFLUENT FARM LEASE RENEWAL AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND SCHUMANN CATTLE COMPANY, FOR OPERATION OF THE CITY OF MIDLAND'S CONNER EFFLUENT FARM; AND RESCINDING RESOLUTION NO. 2014-331

sparks pulled aware not supposed to put fertilizer on property; correct. laura correct. contract shows we paying for fet and want stricken from contract. Laura agreement as required by City soil same analysis. received letter from consultant clearly say commercial fert is not required at this time. the issue of fert left in there because don't know what is required. sparks 3 year agreement where changed from getting % of proceeds now getting set price. without effluent water if time wanting to put fert down and soil sample said we coudl and operator required us to do that it would exceed what getting quickly. Without having % of proceeds probably reasonable to expect he would pay for fert if tceq soil samples allowed it but don't believe it will in 3 years. Lacy when last time fertilized. Laura at this locationa while this tract of land is in permit and need to keep capable of raisng crops. ground water only.

Council Member Sparks moved to adopt Resolution No. 2014 - 459 with amendment to remove Paragraph #6 in Exhibit; 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.

SECOND READINGS

30. Consider an ordinance on second reading 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 6.51-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) (First reading held November 18, 2014.)

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-2, 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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9349.

Council Member Love moved to approve the second and final reading of Ordinance No. 9349 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Sparks realize map doesn't work on plat exhibit C. They don't add up nor did this add up with metes and bounds. Its off by just small numbers. Bring that to see if problem. think can zone 15.65 acres. Harrington metes and bounds is what officially use for ord and that is what is provided by licensed surveyer and what is what tie ord to. Sparks regardless of what map says tied to metes and bounds. John tied to exhbiit A.

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

31. Consider an ordinance on second reading on a request by 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) (First reading held November 18, 2014.)

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9350.

Council Member Love moved to approve the second and final reading of Ordinance No. 9350 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

32. Consider an ordinance on second reading on a request by 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) (First reading held November 18, 2014.)

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9351.

Council Member Love moved to approve the second and final reading 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.

33. Consider an ordinance on second reading 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) (First reading held November 18, 2014.)

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9352.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9352 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

sparks abandoning alley and have approval from whoever is touching part of alley. chuck yes sir.

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

34. Consider an ordinance on second reading 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) (First reading held November 18, 2014.)

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9353.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9353 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

35. Consider an ordinance on second reading 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) (First reading held November 18, 2014.)

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9354.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9354 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Hotchkiss when started talking about billboards commented against for aesthetic as well as for safety. At that time the applicant spoke about I was wrong about safety and asked please provide reports saying billboards are safe and offered to provide same info she had that showed billboards did cause drivers to be distracted. As of this time hasn't received anything asked if anyone else. secondly quality of place and talking about a lot of new building. Buildings coming having new economic dev part of cleanliness and quality of place. think billboards to do not fullfill that. At p7z billboard ord at n big spring and oak. think hav eperception that if don't vote not business friendly. several people that did not want billboards because all business people two letters of objection.billboards distract from their on site signage and distract from their business. offer withdrawn for saline of land if billboard placed there. Hotchkiss had a lot of emails. ended emial i hope city gets huge income from these horrible things. She looked on MCad and asked for informaiton for taxes asked for Lamar because largest. according to mcad total maount of taxes paid on both 3,056 on intown and out of town 2220 to City of Midland. giving auth to erect enormous unfriendly un attract for benfit of only $5000. 10727 total and 14769. asked council to consider info when voting fo rbillboards no wna din future.

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

36. Consider an ordinance on second reading 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) (First reading held November 18, 2014.)

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

defer until after executive session.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9357.

Council Member Sparksdefer the item to the second meeting in February; 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.

37. Consider an ordinance on second reading 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) (First reading held November 18, 2014.)

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9359.

Council Member Love moved to approve the second and final reading of Ordinance No. 9359 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.

38. Consider an ordinance on second reading 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) (First reading held November 18, 2014.)

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9360.

Council Member Love moved to approve the second and final reading of Ordinance No. 9360 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

39. Consider an ordinance on second reading 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) (First reading held November 18, 2014.)

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9361.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9361 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, Morales, Lacy, Robnett. NAY: Hotchkiss, Dufford. ABSTAIN: None. ABSENT: None.

40. Consider an ordinance on second reading 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) (First reading held November 18, 2014.)

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9362.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9362 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.

41. Consider an ordinance on second reading establishing intersection stops at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars ($200.00); and ordering publication. (ENGINEERING SERVICES) (First reading held November 18, 2014.)

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9363.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9363 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.

42. Consider an ordinance on second reading establishing yield right-of-way signs at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars ($200.00); and ordering publication. (ENGINEERING SERVICES) (First reading held November 18, 2014.)

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9364.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9364 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

PUBLIC HEARINGS

43. At approximately 10:30 A.M. conduct a public hearing and consider an ordinance declaring certain structures as dangerous, dilapidated and public nuisances, and ordering their removal or securing. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9365

AN ORDINANCE DECLARING CERTAIN STRUCTURES LOCATED AT 105 NORTH LAMESA ROAD, 212 EAST SUMMIT AVENUE, 301 SOUTH LAMESA ROAD, 305 NORTH LEE STREET, 306 SOUTH STONEWALL STREET, 502 SOUTH FAIRGROUNDS ROAD, A LOCATION ON THE WEST SIDE OF SOUTH

FAIRGROUNDS ROAD HAVING A LEGAL DESCRIPTION OF LOT 4, BLOCK 26, GREENWOOD ADDITION, 506 SOUTH FAIRGROUNDS ROAD, 505 SOUTH TYLER STREET, 505 SOUTH WEBSTER STREET, 509 SOUTH WEBSTER STREET, 1207 EAST NOBLES AVENUE, 2305 EAST CALIFORNIA AVENUE, 3106 DELANO AVENUE, AND 3708 CEDAR SPRINGS DRIVE TO BE DILAPIDATED, SUBSTANDARD OR UNFIT FOR HUMAN HABITATION AND HAZARDS TO THE PUBLIC HEALTH, SAFETY AND WELFARE; ORDERING THEIR DESTRUCTION OR REMOVAL; DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE; AND DIRECTING THE BUILDING OFFICIAL TO DELIVER A COPY OF THIS ORDINANCE TO AFFECTED OWNERS, LIENHOLDERS AND MORTGAGEES; SAID ORDINANCE BEING AUTHORIZED BY CHAPTER 214 OF THE TEXAS LOCAL GOVERNMENT CODE

Building Official Steve Thorpe gave a brief overview of the item noting 15 properties ask declare public nuisance and hve removed 1301 __- received permit ask order in place and can hav eremoved if comlete 505 webster change of owership new owner whsing to make repairs but no one spoke with him. Have photos of anything. Love spoke with 505 Webster indicated selling and individual who is purchasing nad making final payment today. encouraged that individual to speak to Mr. Thorpe. 505 might not go through but will keep it on. Steve soonest demo will be next march plenty of time to work with people. lacy rather have people clean up rather than.

Mayor Morales opened the public hearing at 10:33 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9365.

Council Member Love moved approval of the first of two readings of Ordinance No. 9365 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.

44. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Sinclair Village for a zone change from PD, Planned District for a Shopping Center and 1F-1, One-Family Dwelling District to MF-1, Multiple-Family Dwelling District on all of Tract 10 and the south 416.98-feet of Tract 11, Wallace Heights Addition, City and County of Midland, Texas (Generally located approximately 1,500 feet east of N. Loop 250 West, between Andrews Highway and Sinclair Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9366

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING TRACT 10 AND THE SOUTH 416.98 FEET OF TRACT 11, WALLACE HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, IN PART, AND 1F-1, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS A MF-1, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED APPROXIMATELY 1,500 FEET EAST OF NORTH LOOP 250 WEST, BETWEEN

ANDREWS HIGHWAY AND SINCLAIR 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 request for multi fam proj located between sinclair and hwy 191. 7 acres proposing to be used for site, low desnity 11.5 units per acre. one story mulit fam total of 8 units. prop 6 foot fence on ns prop and ew picket. p7z rec approval of zone change request by 6-2. no loj. dufford side of picket what is next to it? Chuck easement to west to east is other properties. Mayor east west backs up to? Manor park. Lacy public safety concern with exit entrance on andrews hwy. sparks its down from exit. Matt Pacelli from traffic would like no access but property owners restrict to right in and right out only. this is one where. Mike talking conceptually about another potentialy for link between Andrews and Sinclair. Love link between? Mike another street somewhere along section.

Mayor Morales opened the public hearing at 10:41 a.m.

andrew Mellon maverick engineering 1909 W Wall Street, did rec that this could be problem. explained layout of property. Htochkiss where are homes along dirt road will they have protection of fence. Andrew 6 foot wood fence along channel. channel and basin maintained by City. Love asked about continuity of fence. andrew drainage channel and get get to fence to keep as simple. sparks want to point out that do like one story, like low density if pass on to applicant that talk with manor park might be able to do deal with them as looking for more residences and already have maintnenace in their deal and manage it.

There being no else present wishing to speak, the public hearing was closed at 10:45 a.m.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9366.

Council Member Love moved approval of the first of two readings of Ordinance No. 9366 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.

45. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by Western LLC for a zone change from PD, Planned District for a Recreational Center to BP, I-20 Business Park District on Lot 1, Block 1, Desert Thunder Raceway Addition and on a 28.53-acre tract of land out of Section 10, Block 40, T-2-S, T&P RR Company Survey, all located in the City and County of Midland, Texas (Generally located northwest of the intersection of S. County Road 1250 and W. I-20. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9367

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY

PERMITTING LOT 1, BLOCK 1, DESERT THUNDER RACEWAY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, AND A 28.60-ACRE TRACT OF LAND OUT OF SECTION 10, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED PD, PLANNED DISTRICT FOR A RECREATION CENTER, TO BE USED AS A BP, I-20 BUSINESS PARK DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH COUNTY ROAD 1250 AND WEST 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 applicant redevelop property for business specific type use. req complies with comp plan and p7z rec approval. rec no loj.

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9367.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9367 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Love think appropriate for area just wish applicnat given idea of what is doing. doesn't have to curious as to what is going in. Lacy can always put site plan approval on.

Eric West psc (10:49 loph don't know if ready to disclose specific users but would match with rest of what is happening along interestate. oil related office users primarily and corner lot something along lines of retail uses all of which is going to be attractive way to develop along itnerstate. Love that being a key corridor really like suggestion with gateway like to see that.

Eric connect with folks that are developing to see more detail outside of areana as to what is happening.

cph 10:52 a.m.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9367.

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

46. At approximately 10:39 A.M. hold a public hearing and consider an ordinance on a request by Loves Travel Stops and Country Store for a zone change from LR-2, Local Retail District to BP, I-20 Business Park District on a 19.70-acre tract of land out of Section 12, Block 40, T-2-S, T&P RR Company Survey, City and County of Midland, Texas (Generally located southeast of the intersection of W. I-20 and Antelope Trail.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9368

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 19.701-ACRE TRACT OF LAND OUT OF SECTION 12, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A BP, I-20 BUSINESS PARK DISTRICT (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST INTERSTATE HIGHWAY 20 AND ANTELOPE TRAIL); 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

chuck harrington request for love travel stop to be located sec loop 250 and int 20 frontage. Propertiey is zoning distract asked for it would allow for travel stop plus 3 story hotel. comp plan identi suitable for bus pakr usage. p7z rec approval and staf concurred. no loj.

Mayor Morales opened the public hearing at 10:54 a.m.

sparks asked Mike Pacelli. sparks little bit off but any way can consider putting a stop sign at Loop 250 at that intersection. Mike TxDot current has contractor building traffic singal. funded awarded and stop to allow paving to happen. now bridge got hit so delayed more. Jones brothers will get back in Jan finishing paving and jan feb should see construction of traffic signal 2-3 months.

There being no one else wishing to speak, the public hearing was closed at 10:56 a.m.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9368.

Council Member Love moved approval of the first of two readings of Ordinance No. 9368 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.

47. At approximately 10:42 A.M. hold a public hearing and consider an ordinance on a request by Midland Owner for a zone change from MF-1, Multiple-Family Dwelling District; O-2, Office District and LR-2, Local Retail District to PD, Planned District for a Shopping Center on Lots 4, 5 and 6, Block 3, Westridge Park Addition, Section 28, City and County of Midland, Texas (Generally located on the east side of Avalon Drive, between Andrews Highway and Deauville Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9369

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 4, 5, AND 6, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 28, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, O-2, OFFICE DISTRICT, IN PART, AND LR-2, LOCAL RETAIL DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF AVALON DRIVE, BETWEEN ANDREWS HIGHWAY AND DEAUVILLE BOULEVARD);

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 app proposing pd unlike ever seen before mixed use type of project that iwll include office htoel retail with office above it and residential properties on eastern property line. Proposal will provide walkable mixed use and encourage pedestrian activities in this property. oph spaces such as town square on street parking. retail could include upscale grcery office space and hotel in western portion?? proposal is pd to be in this type form rather than physical sit eplan and want to keep loose at this point. propose certain development scheme up to 1.1M sq feet. minimums to be sure everything developed out. Have leeway so each ind use will have max amount of sq ft if goes over then deduct from other portion. never more than 1.1 M sq ft. Every time uses changes won't have to go back through standard process normally use. What discussed at p7z is dev committee and if exceeded with what Council auth forced to come back to Council with changes. propose council member p7z, pdmgr and dev svcs dir on comittee. Dufford tow things 1) more interested in retail aspect of area. think needs to be more than ?? sq feet. chuck propal 114,000 Dufford think that more of where stickler would be have to require that as bare minimum. They can't go down lower if add . other problem is because of where sits, its right on entry way into Midland want to ensure building materials aret op notch and exteriaors are going to look like. and makesure it looks everybit as good. % of stucco and other bldg mat . chuck min is wha thtye submitted is not staff rec and let them gie better picture of how building will be finished out. Most of what seen is typically brick rear is finished.

Mayor Morales opened the public hearing at 11:03 a.m. 11:03 a.m. chuck 4 loj. require a super majority because calc exceeds 20%. (reverse order)

Robert Rendall 550 W Texas Suite 800 her eon behlf of applicant Dan Murphy and Tom Kyler rep of applicant. Really pleased to present unique development opporutnity. Current zoning which approved earlier this year provides for extention of what on Andrews Highway right now which is series of fasta food places with strip center pot for hotel and tradiitonal midland apt complex with large parking field. what proposing accomodates more urban type dev and very walkable mixed use development. Good ammenitiy for people in city and nice amenities for people in stadium area. Max of 1.1M sq ft. retail, resident, ent and office all assoc in intergrated form. Flexibility built into ord but requires that each site plan submitting meets extentive list of requirements. In package gives example of types of building materials. the developer must do that to make sure works on econ basis. if make poor quikality type of deve won't draw hgih end because of cost associaited. Very ext conditions and requiresments tha tgo along with planned District. wrjed through density open space and hgih compatibility. Virtually every suggested made app has complied with. As community grown very fast this Council very intent new dev that will keep val on long term basis and have made every effor tto do that. First thing is track record of dev. Been working with for one year very comfortable. Provided with eltter from elading citizen in community because recognized type of dev tha twould be benefical to City. Ord crafted by City Attorney and Planning est standards for construction which is as high as nayting in city. mixed use attractive to young prof and empty nesters. many peopel moving from larger city are looking for this type of community. retail office components all owned by dev and can used hared parking. As downtown parking garage are used from 7-5 and empty after that. Able to

manage joint hsared parking. Traffic calming measures on street which will encourage pedestrian traffic and all safety requirements iwll be met with help of city traffic engineering. Drainage easement will be developed for open space for residents. public restroom facilities in retail areas. No other neighborhood in midland where can work, shop, meal and residence in walkable area. Gathering place for whole Permian Basin and when built out true ammenity and draw for Midland. Applicant ready to move forward as soon as finish zoning and anticipate submitting first site plan in first quarer of year. For this project to wokr retail is essential their plan is higher end retail. specialty clothing and specialty small shops. feet square footage isn't as important as quaility. anticipate will have mroe than that.

Morales going along with Dufford comment in phases. Does every phase include retail? Rendall phase one retail. anticipate phase 2 more residential. and then come back with additional retail in phase 3. Love with respect to min 50,000 sq ft minimum is tha taggregate. Assumed 50,000 was min for entire project of retail. Rendall,yes. quite honestly anticipate how does increases retail to 100,000 affect project? Robert don't want to be forced in a situation if retail slowed down for aperiod tha thad to just put someone in to meet retail amount. Dufford some way to work with Council tha tunder exten you might have to come back on tha taspect. Rendall more than happy to work with Council. In packet have desire and tha tis what shooting for. Rendal might have to sacle whole thing back depending on market conditions. Robnett wha tis total investment. Rendall built out $250 M. Love any public events on private streets iwll not require a permit from COM. If somethign were to happen at event on whose insurance? Rendall at some point the developer it will be held by one entity. won't initially be hoa if at some point there were some division a hoa would b eintroduced. love if midland owner llc sold some of their property bldgs then it would come before city as part of replat. Rendall tha tord does say if alcohol served have to get permit but since not closing public streets don't have to get event permit.

Harper Estes 300 N Marienfeld. please to represent developer of Oxy headquarters. Substantial concerns about development with what ord requires of the development. would love to see the vision built out but think its incumbent upon City to require vision is going to be built out. Think City is entitled to do that. theres plenty of rooftops to support retail. not lacking for office or singl efmaily but it is lacking retail. Ord requires see 50,000 sq feet in 1.1 M sq feet. asking require the vision in exchange for variances given in ordinance. Current zoning allow calls for 650,000 fo retail use. This ord reduces to 50,000 some discussion of reducing to 100,000. I real walkable town center it will have to include more than small % of retail Developer seeks 54 variances from City Code. May be more may be less but his count. High density, complete change, unique but no comp plan. While hear a little about neighbors very little input with neighbors. City is entitled to something in exchange for variances and hsould have more retail. Require high quaility. When read ordinance it is very broad in terms of quality. Asking it be required not just available. Feel strongly Council should not delgate future site plans to smaller groups. Urge not to suceed control of process. City shojuld focus on what developer is required to do. KNow developer does good work just asking Council to require them to bring that to Midland. needs bigger retail assurance of accountability and quality. Love if could rec %. HIs rec would be 50% but don't htink unreasonable 250,000 and that be in first phase. if require on front end they will have more. Morales what happens when factor in possible heb and sams. Lacy with anything new always uncertainty. don't believe an indiviudal has righ to dictate how land is devleoped. Lacy whole area with vision deed retrictions should be tied to land.

there are no deed restrictions and market dictates how land is devleoped. Have to start offering ammenties to population which is 44 and younger. Harper Estes his client has spend a substnatil amount. Robnett have heard loud and clear for several weeks and thoughtful consideration has been given. Morales this new approach of flexible zoning did ake small group to Denver to see what getting into.

Sparks when put together project like this that has a lot of flexibility, the intention is for group or companythat doing business with to have flex isw there a way to write this wher eflex goes away if to turn over to someone else? John can put restrictions, can tie ord to applicant or if sale can hve zoning ord hve to come back to Council. sparks tie flex of ord to applicant, if applicna tturns would automatically go back to Council for . Estes this bussiness' are her to make profit, I dont think you can rewrite this ordinance Lacy we still this is a public hearing we do have time before second hearing. Love applicant iwll be submitting to committee, does comm have pwoer to say no we don't like this we want to see somethign else. John future sit eplans are to be approved by Dev Sbcs dept so committee, fi council would like comittee imposed then Council needs to amend ord and attach terms and conditions go along with comittee right now site plans go tto staff. might cons if wnat to have admin approved site plans through comm then council if owership changed then attach provisiont hat site plans don't go to comm then those plans hav eto come back to Council. Love heart of question do have some type ofmech in place whether admin or comittee to say we don't like this we want to see somethign else. John, yes. Lacy amend to put comittee and if comm doesn't agre will go back to council. courtney if comitt and dev can't come to terms then.. Dufford how do ensure quality of building materials?

Rendall in package assoc with ord are master plan examples and example of building construction. fully expect that when staff or comm or whoever assigned to do this. if bring in something not rep in type of vision presented then have ability to come back to council to ask for revision. That is how come up with checks nad balances to ensure council that the vision would be met. Rendall sq footage Mayor don't know how large sq footage is 5,000. 50,000 is 10 restaurants. you kind of have to put tha tin perspective. even if did min tha tis a lot of rest and retail space. Dufford out on loop by Blue Ridge how many sq ft is that . Steve 70,000 second phase of 30,000 .

John Boswell 4801 Midland Drive, realtor and 40 something in Midland msot of life. very interested in project lofe to see tha thappen. Long term big picture guy and see developer who everyone knows and trusts but at same time setting precedent if vote to let developer say we have a bunch of plans and we're going to do one of these you're saying in future how do know in future cna trust developers to do that. Other concern is TxDot rules the number of access points to 191 is fine with then. He is not okay with it. See one two three raceways. first football game and anybody having to deal witha that traffic as well. Mr. estes said welllove to see happen but what is guarantee and council should be concerned about precedent.

Jarvie Worcester, a lot fo great comments frame with being Denver based company feel extremly strong about applicant. excited about concept of town center feel which is why ivnested in Midland. Struggle with flexibility as related to residential piece 85% is a lot of residential in what heard is a town center walkable area. Talking about a 40% delta between min and max. Been a party of ord that are legal documents think have fight on hands if written this way just using committee as stop gap to amend PD. John O. the site plan issue thats been discussed the Council has wide lattitude. You can put as

many restrictions as want or provide as much flexibility. It's really within council's discretion as to how to tie down. Dufford don't want to tie lose ends up before having people make decisions. Seems not quite there. All wnat to see vision but would like to have less lattitude and give to committee. If major change then needs to come back to entire Council. Jarvie Worcester ?? 11:58 a.m.

alan Feinsilver president of ?? 1800 Post Oak Houston, developers of campus directly to South. currently under construction. When complete anticipate entire dev will cost $150M very interested in dev to tract which is their front door. reviewed applicant submission and supportive. development concerned tha tproposed ord will nt result in walkable town center. no choice but to object. Ground breaking at Oxy in Aguust and introduced Gov Perry one reason Tx has goo business economy because predic reg environmente and tha tis what led them to select Midland. the ord as presented does not require predictability. Love "Trust but verify" that is what been talking about where if things weren't what dev said would have ability to say no go back to drawing board. believe that is what they are doing. Feinsilver no not questioning that. Morales as small business owner trying to get good return on investment trying to understand hwo dictate to someone who is coming in to spend that knid of money knowing that repuation is on line but trying to get goo dreturn on investment. Wouldn't you assume that will put out best product and not harm or hurt anybody. Feinsilver why is proposal of portion tha tshows multi family. Love perception that Council is going to get wool pulled over eye. don't see that as case because having steps to reject if not what vision that was promised and presented. understand about allowable but it doesn't mean going to stick heads in sand. Love under why applicant wanting flexibility because thye don't know what target is where going. Dufford wil make sure have flexibility.

Dan Murphy 44 Summerset Circle Colorado, principal co continuing partners and principal in parthership for this project. Look hard and long before make committment to move orward on project like this. Extremly challenging to creat proejcts to show . all proejcts do 3 things. made comm extremely happey, ext proud, raised property values and made a profit. Thats part of hwat this is about. Do this in a manner tha tcontribute to the sustainabiliyt and stnads of community. need a city thats reached level of maturity and sustainability willing to make step forward, need city staff knowledgeable and strong and und princ of mixed use, need wherewithall to sustain?? 12:09. Respond to couple. what asking for is not unprecedented belmont 110 acres of 2 M sq feet. had all flexibilities and didn't have to go back to City for site plan approval. Had opportunity to move pieces around based on market. market iwll nto allow for 805 to be dev not 15 hotel. Its the syndergy of uses. its the quiality its the form. Showed samll projects and strip projects and staff saw the difference. Pictures of what you've seen are what you are going to get. What city of lakewood did is appoint a group because timing is critical. Don't know if first use is hotel, retail but need flexi bility to neg with office user retail or hotel and say this is where I will put you but have to do it within form. It is a leap of fiath. Project doesn't work if ti turns into pie chart. zoning there before save for single fmaiy res allowed all the same uses but just trying to put them in a form that hasn't been done in Midland to create quaility and standard. Don't confuse quantity with quality. Mixed use dev are far from only retail driven. Have 110 acres mixed use dev that contians all of these uses excpet for hotel. created a villiage within a residential neighborhoodl. built churhc, day care center. Occupants of major office ubildings will take advantage of this. Cannot do this without flexibility. this subcomittee is exaclty the right tool. If something on plan that don't like they have plenty of ways to bring it back to Council.

Hotchkiss no concern 12:17 every project has character and building elements to tie together. What build here not at liberty to show first building but iwll be back very shortly what building will be very compare very favorable to what has been built to south. What intend to build, apts, all at higher standards than what exists in Midland todya. will develop building lang with staff and with reps of Council but can't create this and not build it with certain level of quaility. Everythign about from street wideths to on site parking to limitations on heights all are tied together to create true neighborhood.

There being no one else wishing to speak, the public hearing was closed at 12:19 p.m.

Mayor discussion will not return sooner than 1:45 p.m.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9369.

sparks would like comittee. John direct everybodys attnetion that site plan is condition 18. Robnett want to speak to Mr. Murphy appreciate coming and investing in Midland. swecond young Midlander appreciate thinking out side of box while needs to be some oversite appreciate need for flexibility.

Sparks other thing need to build in that needs to be flexibilility goes away cannot transfer flexibile zoning to another party.

Love, 1) over site comittee and 2) if property sells come back 3) min retail 50,000 now increase to 100,000 based on comments might be 75,000 might be reasonable as minimum. Robnett things arbitrary don't htink any basis.

Rendall don't object to increase min retail to 75,000 and putting restriction on sale as long as incorp doing to affiliate. Lacy would like insiight on comitte 2 from Council p7z and frank from cm and chuck and bob to respective titles to make sure good knowledge base. Courtney rec might give Mayor authority to make appointments and name individual spots.

Problem with coming back to for site plan still have problem with flex with ion and max?? Harper Estes.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9369 in accordance with the Charter of the City of Midland with amendment to include oversite comittee to be appointed by the Mayor; if property sells then site plan approval for the portion of property sold will require coming back to council for site plan approval; and to change the minimum retail requirement to 75,000 square feet; seconded by Council Member Robnett.

Love before second reading will have al litems hammered out. mayor correct. Dufford this is first reading always change to make amendments in future.

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

Myaor recessed return no osoonere than 1:45 p.m.

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

request by Lockridge Outdoor Advertising LLC / Industrial Oils Inc. for a Specific Use Permit with Term for a Billboard on a 4.25-acre tract of land out of Section 4, Block 39, T-2-S, T&P RR Company Survey, City and County of Midland, Texas (Generally located approximately 280 feet north of Gist Avenue, between S. Midkiff Road and W. Industrial Loop.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9370

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4.25-ACRE TRACT OF LAND OUT OF SECTION 4, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 280 FEET NORTH OF GIST AVENUE, BETWEEN SOUTH MIDKIFF ROAD AND WEST INDUSTRIAL LOOP), 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 is to construct billboard property zoned C-3. Location meets current code p7z rec approval. since doing items a new loj came in.

Mayor Morales opened the public hearing at 1:59 p.m. There being no present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9370.

Council Member Sparks moved to defer to second meeting in February; 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.

49. At approximately 10:48 A.M. hold a public hearing and consider an ordinance on a request by Lockridge Outdoor Advertising LLC / Kevin Plumlee for a Specific Use Permit with Term for a Billboard on Lot 10, Block 3, Plunk Addition, Section 8, City and County of Midland, Texas (Generally located on the south side of Garden City Highway, approximately 400 feet west of Henderson Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9371

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 10, BLOCK 3, PLUNK ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF GARDEN CITY HIGHWAY, APPROXIMATELY 400 FEET WEST OF HENDERSON BOULEVARD), WHICH IS PRESENTLY ZONED LI, LIGHT INDUSTRY 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 billboard ht 30 ft max area 380 ft. proposed billboard meets current zone code approved by p7z. one loj.

Mayor Morales opened the public hearing at 2:02 p.m. There being no present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9371.

Council Member Sparks moved to defer to second meeting in February ; 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.

50. At approximately 10:51 A.M. hold a public hearing and consider an ordinance on a request by Lamar Advertising / Felipe Morales for a Specific Use Permit with Term for an Electronic Billboard on Lot 1, Block 16, Kelview Heights Addition, City and County of Midland, Texas (Generally located southwest of the intersection of N. Big Spring Street and Neely Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9372

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 16, KELVIEW HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH BIG SPRING STREET AND NEELY AVENUE), 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 proposed billboard proposing to move to another locaiton on same saide. meets current requirements. p7z rec approval.

Mayor Pro Tem Love opened the public hearing at 2:05 p.m. There being no present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9372.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9372 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Hotchkiss, location where moving sign street goes straight out and t's elec will be

conlficitng with traffic signal would be happier if static.

chuck don't feel it would be an issue but it could be an issue. Love what is ht of traffic signals 16-17 feet Mike. Lacy prof opinion would this create a distraction? Mike that is up to each individual to decide for themsevles.

Chris Stokes lamar advertising didn't intend to be rep similar to Rankin highway with no accidents.

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

51. At approximately 10:54 A.M. hold a public hearing and consider an ordinance on a request by Lamar Advertising / Midland Majestic, LLC for a Specific Use Permit with Term for an Electronic Billboard on Lots 7 and 8, Block 183, Southern Addition, City and County of Midland, Texas (Generally located northeast of the intersection of W. Dakota Avenue and S. Big Spring Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9373

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS 7 AND 8, BLOCK 183, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST DAKOTA AVENUE AND SOUTH BIG SPRING STREET), 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 to add second electronic face to existing billboard. max ht 30 ft max sq ft 242 meets req of ord p7z rec approval. north face digital south face static adding south digital. sparks trading static face with digital on existing billboard.

Mayor Morales opened the public hearing at 2:11 p.m.

Chris Stokes 515 Three Rivers, ?? 2:11 trying to promote events to put digital there we already have for local businesses.

There being no one else wishing to speak, the public hearing was closed at 2:12 p.m.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9373.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9373 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

Robnett. NAY: Hotchkiss. ABSTAIN: None. ABSENT: None.

52. At approximately 10:57 A.M. hold a public hearing and consider an ordinance on a request by Burkett Media / Andres Gutierrz On Appeal for a Specific Use Permit with Term for a Billboard on a 5.50-acre tract of land out of Section 8, Block 39, T-2-S, T&P RR Company Survey, City and County of Midland, Texas (Generally located southeast of the intersection of W. Interstate Highway 20 and Jasmine Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9374

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 5.50-ACRE TRACT OF LAND OUT OF THE NORTHWEST QUADRANT OF SECTION 8, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST INTERSTATE HIGHWAY 20 AND JASMINE ROAD), 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 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 located hwy 20 at Jasmin rd. property in business park district meets all requirements of current ord. p7z voted 4-4 so comes forward as appeal. Love location map is just not big enough. Is this west of cloverdale east of midkiff or east of Midland drive.

sparks why did 4 vote against? Harrington, don't recall discussion

Mayor Morales opened the public hearing at 2:16 p.m.

Bill Burkett Austin, discussion it was 4-4. 1800 feet west of location its west of mikif east of midland. other sign in town voted for approval and exact same sign static on I-20. 2 face. meets criteria. Feel what happened at p7z and his was last one. same zoning same signs. Lacy is that current google earth. Bill there is development office on site. everything around is industrial or commercial.

chuck harrington ?? 2:19 p.m. There being no one else wishing to speak, the public hearing was closed at 2:19

Council Member Love moved approval of the first of two readings of Ordinance No. 9374 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

beau not bill

Love this is instance where appropriate and in his district. billboard are effective to get people to pull over and spend money in city.

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

53. At approximately 11:00 A.M. hold a public hearing and consider an ordinance on a request by Lockridge Outdoor Advertising / Raymond Jenkins On Appeal for an Electronic Billboard on Lot 1A, Block 2A, Midkiff Plaza, Section 11, City and County of Midland, Texas (Generally located on the south side of W. Loop 250 North, approximately 680-feet east of N. Midkiff Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9375

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1A, BLOCK 2A, MIDKIFF PLAZA, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 680 FEET EAST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR 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 appeal 4-4p7x ap 10 x32 board at 30 ft ht. In this case conversation was about additional ??? on Loop 250 whether to hav. meets current requirements of sign code. in front of toys r us.

Mayor Morales opened the public hearing at 2:22 p.m.

Tony Lockridge 2001 Austin TX, on this staf rec approval met code in all directions and in past on Loop 250 similar sign similar zoning had received staff approval and p7z denail. when appeared before city council it was unanimous vote to overturn objection. kindly asking treated to same level oct 22 2013 very similar sign on this road.

Chris Stokes Lamar Advertising, want to clarifiy had several eltters of support from members of City had taken billboards down council convinced good locaiton made clear wasnot precedent for future billboards.

There being no one else wishing to speak, the public hearing was closed at 2:24 p.m.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9375.

Council Member Sparksdefer the item to the second meeting in February; 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.

54. At approximately 11:06 A.M. hold a public hearing and consider an ordinance for the annexation of a 5.23-acre tract of land out of 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)

ORDINANCE NO. 9376

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, 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); AND APPROVING A PUBLIC SERVICE PLAN

Dev Svcs Dir chuck harrington annexation of fire station site and brought this for consideration. no comments in public and staff rec approval.

Mayor Morales opened the public hearing at 2:26 p.m. There being no present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9376.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9376 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.

55. At approximately 11:09 A.M. hold a public hearing and consider an ordinance on the initial zoning of annexed land to AE, Agricultural Estates District on a 5.23-acre tract of land out of 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)

ORDINANCE NO. 9377

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS 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, AS AN AE, AGRICULTURE ESTATE DISTRICT; SAID TRACT IS GENERALLY LOCATED ON THE WEST SIDE OF TRADEWINDS BOULEVARD, APPROXIMATELY 170 FEET SOUTH OF CHAMPIONS DRIVE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting this places zoning for annexed property. because fire station can be placed anywhere kept AE to not create changes.

Mayor Morales opened the public hearing at 2:28 p.m. There being no present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9377.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9377 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

56. At approximately 11:12 A.M. hold a public hearing and consider an ordinance on request by Dale Callen, Jr. for a Special Exception to the Zoning Code concerning the maximum size of an accessory structure on Tract 18, North Estates Addition, City and County of Midland, Texas (Generally located on the south side of Solomon Lane, approximately 300-feet east of Pine Needle Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9378

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR TRACT 18, NORTH ESTATES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF SOLOMON LANE, APPROXIMATELY 300 FEET EAST OF PINE NEEDLE LANE), BY PERMITTING AN ACCESSORY STRUCTURE TO EXCEED THE MAXIMUM SIZE 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 accessory structures cannot exceed size ofmian structure. app has 3000 sq foot home porposing to add 4200 sq ft barn. most barns are larger than house. trying to address. no hardship exuded and are not opposed to it. sparks additional 4200 feet total. chuck barn structure is 4200 sq ft.

Mayor Morales opened the public hearing at 2:32 p.m.

Dale Calvin ??? want to repalce building there with another building this will be 50 and 60 with 50 foot overhang. part outside of counting sq footage. Have a letter of uspport signed with everyone within 1/4 mile. Mayor improving facad. Yes and along street put fake barn doors with hay loft.

live next door on east side and some signature to represent rest of neighborhood in support of project. Dr. Green on west side. none of neighbors are opposed and rural setting this will not detract from anythign out there. W. H Pickering.

There being no one else wishing to speak, the public hearing was closed at 2:35 p.m.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9378.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9378 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.

57. At approximately 11:15 A.M. hold a public hearing and consider an ordinance on request by City of Midland for a vacation of the 0.55-acre portion of the right-of-way of N. Baird Street adjacent to Lots 1 through 6, Block 38 and Lots 7 through 12, Block 39, all located in Original Town Addition, City and County of Midland, Texas (Generally located approximately 300-feet east of N. Main Street, between E. Illinois Avenue and E. Texas Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9379

AN ORDINANCE VACATING AND ABANDONING A 0.55-ACRE PORTION OF BAIRD STREET RIGHT-OF-WAY ADJACENT TO LOTS 1-6, BLOCK 38, AND LOTS 7-12, BLOCK 39, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 300 FEET EAST OF NORTH MAIN STREET, BETWEEN EAST ILLINOIS AVENUE AND EAST TEXAS AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $23,958.00; WAIVING THE FEE FOR THE COST OF THE RIGHT-OF-WAY; AND ORDERING RECORDATION BY THE CITY SECRETARY

Development Services Director Chuck Harrington gave a brief overview of the item noting this is part of project for new muni court. portion wil lbe incorporated into parking lot as well as pedetrian access. This has gone out to all franchise util approved with stip tha tstreet lights one asat side removed which already part of project. They also talk about pedestrian easement which staff is working on.

Mayor Morales opened the public hearing at 2:37 p.m. There being no present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9379.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9379 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.

58. At approximately 11:18 A.M. hold a public hearing and consider an ordinance on a request by Concho Resources, for the vacation of the 20-foot alley right of way on Block 37, Homestead Addition, City and County of Midland, Texas (Generally located approximately 170 feet east of N. Carrizo Street, between W. Michigan Avenue and W. Tennessee Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9380

AN ORDINANCE VACATING AND ABANDONING A 20-FOOT ALLEY LOCATED ON BLOCK 37, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 170 FEET EAST OF NORTH CARRIZO STREET, BETWEEN WEST MICHIGAN AVENUE AND WEST TENNESSEE AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $6,000.00;

AND ORDERING RECORDATION BY THE CITY SECRETARY

chuck request by concho resources ?? 2:39 p.m. all franchise co indicated have utilities and have not released. nDid rletter from owner at 606 W Tennessee. Did receive comment tha twas opposed to locaiton. any approval would be contingent on?? utility approval and agreement to relocate. Courtney ordinance requires two reading can work with Concho to get infomration to them. Lacy can pass first reading with stipulation that

Mayor Morales opened the public hearing at 2:40 p.m. Lee Grigsonn 606 W. Tennessee I represent 20%. Oppose closing of alley but are working together. Daycare center is heck of an idea. protest but not too strongly. working to come to solution.

There being no one else wishing to speak, the public hearing was closed 2:42 p.m.

Love Mr. Grigson specific objection regarding traffic flow do you have any comments with respect to traffic flow. Mike no issues as long as done so works for both parties for trash collection and vehicle access.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9380.

Council Member Love moved approval of the first of two readings of Ordinance No. 9380 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Sparks this seems to be unusual to be brought in without having agreement with utility company. Harrington yes that is typical process to get all clearances. Courtney concho needs to move forward and City trying to help facilitate.

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

59. At approximately 11:30 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)

Sylvester introduced Rob Stephens GM of EZ Rider. Rob Stephens looking at a couple of different routes that would like to change. Express route goes from downtown Odessa to downtwon Midland add airport mch, shopping. routes 1 and 5 on review for change. route one add deviation and route 5 need to make up time. Jan 28 will bring to board and if any significant changes iwll bring back to Council. Love connect service going from express to connect is going to airport and then able to go from airport to odessa

Mayor Morales opened the public hearing at 2:56 p.m. There being no present wishing to speak, the public hearing was immediately closed.

Htochkiss delight to work with this many full of idea excellent leader.

60. At approximately 11:33 A.M. hold a public hearing and consider an ordinance on a request by Jatin Patel for a vacation of the 0.138-acre alley right-of-way adjacent to Lots 1 through 12, Block 42, Belmont Addition, City and County of Midland, Texas (Generally located approximately 140 feet east of Belmont Street, between W. Stokes

Avenue and Wolcott Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9381

AN ORDINANCE VACATING AND ABANDONING A 0.138-ACRE ALLEY ADJACENT TO LOTS 1-12, BLOCK 42, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 140 FEET EAST OF BELMONT STREET, BETWEEN WEST STOKES AVENUE AND WOLCOTT AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $3,602.64; AND ORDERING RECORDATION BY THE CITY SECRETARY

Development Services Director chuck harrington gave brief overview app seeking to vacate alley between lots to locate affordable housing subdivision. proposing to do this and pay 3602.64. will have to have replatting before finalized.

Mayor Morales opened the public hearing at 2:57 p.m. There being no present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9381.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9381 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

61. At approximately 11:39 A.M. hold a public hearing and consider an ordinance on a City-Initiated amendment to Title XI, Chapter 7a of the Midland City Code. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9382

AN ORDINANCE AMENDING TITLE XI, “PLANNING AND DEVELOPMENT”, CHAPTER 7a, “REVISED OUTDOOR SIGN REGULATIONS”, OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, SO AS TO MAKE COMPREHENSIVE REVISIONS TO REGULATIONS PERTAINING TO BILLBOARDS AND ELECTRONIC BILLBOARDS WITHIN THE CITY OF MIDLAND, TEXAS; ESTABLISHING ILLUMINATION STANDARDS; ESTABLISHING SPECIAL CONTROL AREAS; PROHIBITING NEW BILLBOARDS AND ELECTRONIC BILLBOARDS WITHIN THE SPECIAL CONTROL AREAS; PROVIDING FOR A ONE-TIME REPLACEMENT OF AN EXISTING BILLBOARD LOCATED WITHIN A SPECIAL CONTROL AREA; PROVIDING FOR A ONE-TIME REPLACEMENT OF AN EXISTING BILLBOARD LOCATED WITHIN A SPECIAL CONTROL AREA WITH AN ELECTRONIC BILLBOARD IF TWO OTHER BILLBOARDS OR ELECTRONIC BILLBOARDS ARE REMOVED FROM A SPECIAL CONTROL AREA; REQUIRING A SIGN PERMIT AND A SPECIFIC USE PERMIT WITH TERM PRIOR TO CONSTRUCTING A NEW BILLBOARD OR ELECTRONIC BILLBOARD, OR MODIFYING A LEGALLY CONFORMING BILLBOARD OR ELECTRONIC BILLBOARD; PROVIDING FOR NOTICE, A PUBLIC HEARING, AND 30-DAY COMMENT PERIOD PRIOR TO THE CITY COUNCIL VOTING ON WHETHER TO GRANT A SPECIFIC USE PERMIT WITH TERM; ESTABLISHING MINIMUM SEPARATION STANDARDS; ESTABLISHING MAXIMUM SIGN AREA STANDARDS; ESTABLISHING SETBACK REQUIREMENTS;

ESTABLISHING AN APPEAL PROCEDURE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting some minor changes made to billboard requiresments noting changed protection zone, made changes to legal wording, added section about possibility of having lag period. Received emial this mornign from Mr. Stokes and reviewed his comments. Presented to p7z unan approved.

Lacy is future annexation into protection zone. What try to do with protection zone insdie big green area there are a lot of signs existed Lacy concern about tradewinds and when annex will it be added to protection zone. Love verbage any annexation to be automatically included. John thought billboards and electronic billboards were not allowed in etj. John when annexed that does not trigger it is . Steve Gates on page 26 of ordinance etj prohibition still applies once annexed. Mayor asked about 2-1 for electronic. chuck recognized other cities have larger numbers but felt 2-1 was fair. It is one time replacmeent. Morales how about Craddick can change spacing? chuck it should already be protected because in ETJ. he will check.

Mayor Morales opened the public hearing at 3:07 p.m.

chris Stokes lamar advertising , little more explnation if exisitng billboard now have to take down additional sign. in Midland want our billboards to look better and now punishing keep like it is or take another one down. Things briigning up not aware of ord of billboard and on premise signs on same property. If that's the case very concerned about . Have land use change then can squeeze out billboards. Haven't received any feedback from anyone. Dont' see how billboards are detriment to community. Lacy received email no time to look at. Love may hae situation that existing billboard will continue to deteriate. Robnett already provides for one time replacement. sparks there is a mechanism where can ask for a waiver. John ther eis an appeal procedure.Sparks need to whether exception there is appeal procedure.

Hotchkiss comploiment Chris worked hard on this.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9382.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9382 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Sparks question for clarification, if theres one time repalcement does that mean if you replacea sign with electronic sign have to take another one down. chuck in protection zone if one to replace can replace one to one static or two to one for electronic. Lacy elec struck by lighting its redndered useless. chuck way nonfonforming reading if 60 % destroyed can't replace it. of conforming can replace.

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

MISCELLANEOUS

62. Approved a resolution stating that the City of Midland will negotiate exclusively with Hotel Santa Rita No. 1 Midland Partners, LLC. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2014 - 460

RESOLUTION STATING THAT THE CITY OF MIDLAND WILL NEGOTIATE EXCLUSIVELY WITH HOTEL SANTA RITA NO. 1 MIDLAND PARTNERS, LLC FOR THE DEVELOPMENT OF BLOCK 55, ORIGINAL TOWN ADDITION, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (THE SITE OF THE FORMER MIDLAND COUNTY COURTHOUSE) AND ADJOINING PROPERTY UNTIL MARCH 1, 2015; THIS RESOLUTION DOES NOT OBLIGATE THE CITY OF MIDLAND TO ENTER INTO A DEVELOPMENT AGREEMENT WITH HOTEL SANTA RITA NO. 1 MIDLAND PARTNERS, LLC; ANY FUTURE DEVELOPMENT AGREEMENT WILL NOT BE EFFECTIVE UNTIL IT IS APPROVED BY A RESOLUTION OF THE MIDLAND CITY COUNCIL; AND AUTHORIZING THE MAYOR TO EXECUTE A LETTER WITH HOTEL SANTA RITA NO. 1 MIDLAND PARTNERS, LLC EXPRESSING THE INTENT OF THIS RESOLUTION

Sparks because of holiday extend to 31st of March.

Council Member Sparks moved to adopt Resolution No. 2014 - 460 with amendment to extend deadline to March 31, 2015; seconded by Council Member Love.

Robnett be careful not that binding document but some thing sdid previously not intend to not negotiate but fully intend to negotiate not sure adds a lot of value to City and ties hands. Think be real careful don't know what is going to happen in next 60 days. sparks don't think anything actually taken off property by March 31. Robnett what does it bring to City. Love would eliminating word exclusively? Robnett no.

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

63. Approved a resolution regarding litigation styled Lockridge Outdoor Advertising, LLC v City of Midland. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2014 - 461

RESOLUTION AUTHORIZING THE EMPLOYMENT OF THE LAW FIRM OF COTTON, BLEDSOE, TIGHE & DAWSON, P.C. TO REPRESENT THE CITY OF MIDLAND IN THE LAWSUIT STYLED LOCKRIDGE OUTDOOR ADVERTISING, LLC V. CITY OF MIDLAND (142ND JUDICIAL DISTRICT COURT, MIDLAND COUNTY, TEXAS; CAUSE NO. CV-50,846)

Council Member Love moved to adopt Resolution No. 2014 - 461; 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.

64. Consider an ordinance amending Title VI, "Police Regulations," Chapter 2, "Animals and Fowl'" Section 2, "Running at Large," and Section 10, "Impoundment Time, Notice and

Costs," of the City Code of Midland, Texas; requiring a person who owns, keeps, possesses, harbors or maintains a dog, cat, ferret, livestock, poultry, other bird or other animal from being at large; negating and dispensing with the culpable mental state requirement; providing affirmative defenses; providing that each unlicensed dog, cat or ferret impounded shall be kept and maintained at the Department of Animal Control for a minimum of two days; providing for a maximum penalty or fine of five hundred dollars ($500.00); containing a savings and severability clause; and ordering publication. (COMMUNITY SERVICES)

ORDINANCE NO. 9383

AN ORDINANCE AMENDING TITLE VI, "POLICE REGULATIONS", CHAPTER 2, "ANIMALS AND FOWL", SECTION 2, "RUNNING AT LARGE", AND SECTION 10, "IMPOUNDMENT TIME, NOTICE AND COSTS", OF THE CITY CODE OF MIDLAND, TEXAS; REQUIRING A PERSON WHO OWNS, KEEPS, POSSESSES, HARBORS OR MAINTAINS A DOG, CAT, FERRET, LIVESTOCK, POULTRY, OTHER BIRD OR OTHER ANIMAL TO PREVENT SAID DOG, CAT, FERRET, LIVESTOCK, POULTRY, OTHER BIRD OR OTHER ANIMAL FROM BEING AT LARGE; NEGATING AND DISPENSING WITH THE CULPABLE MENTAL STATE REQUIREMENT; PROVIDING AFFIRMATIVE DEFENSES; PROVIDING THAT EACH UNLICENSED DOG, CAT OR FERRET IMPOUNDED SHALL BE KEPT AND MAINTAINED AT THE DEPARTMENT OF ANIMAL CONTROL FOR A MINIMUM OF TWO DAYS; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS ($500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Tina Jauz chanign ord help address issues tha tdeal with animals. last time updated a while ago.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9383.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9383 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

65. Consider an ordinance establishing truck routes for the City of Midland, Texas, and restricting certain vehicles from using certain streets; 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. 9384

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER 1, "GENERAL TRAFFIC REGULATIONS", SECTION 3, "TRUCK ROUTES", AND SECTION 4, "HAZARDOUS MATERIALS TRUCK ROUTES"; ESTABLISHING TRUCK ROUTES, LOCAL TRUCK ROUTES, AND HAZARDOUS MATERIALS TRUCK ROUTES 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

Mike Pacelli traffic or dupdate revising list of routes designated as approved truck routes. last updated in 1983. keeping basic structure change lang so as city annex don't have to change ord to ext route. Map in packet that shos route. Mike trucks banned on all roadways unless truck routes. if have origin or destination required to use blue lines as much as possible and use locl streets to reach local destination. Love Fiargronds anticipated to be expanded to North and currently truck route are looking at including that expanion to the north in that truck route. Mike way written fairgrounds rd from s city limits to northern termis. Yes ti will be included. Morales wha tis process trucking how does it work. strictly traffic ord really enforcement works only when hae issues in local area can post no truck signs. Courtney don't know if do a mial out .

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9384.

Council Member Love moved approval of the first of two readings of Ordinance No. 9384 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.

66. Consider an ordinance to refund 2007 Certification of Obligation. (FINANCE)

ORDINANCE NO. 9385

AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF MIDLAND, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015A”; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS; ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF SAID BONDS; AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID BONDS TO AN AUTHORIZED CITY OFFICIAL.

Pam Simecka introduce new members George wolfort financial consultant with First Southwest.. here to ask permission for refunding of 2007 CO because of Pioneers arrangement been looking at tax consequences and determined by bonding attorneys will nto be allowed to do tax exampt financing in future or past. when went through found 2007 issue and ended up being over 10% allowed by irs regulations need to refund issue make into two seperate issues that were included in bond. and since pioneer contract not completed at this point set up perameters to allow staff to issue bond once contract is done. If something happened to contract before going through cost of refudnign the bonds.

Love savings on this seems pretty considerable worth it to do it even if contract. saving is tremendous think George has done analysis. This is advanced refunding. Call date not until 2017 and so typically wait for it to be recallable and have new debt by

advanced refudnign have to set $ aside for a while. George Pam did great job. Pertinnt question are alot of advnaced refudning becaue itnerest rates so low. Pam understand hwy get savings on taxable but if interest rates shift may lose from cost on taxable but hsould be made up by exempt.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9385.

Council Member Love moved approval of the first of two readings of Ordinance No. 9385 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

George permameter auth delegrating pricing auth is what City has done in recent transaction this is very much the same.

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

67. Consider an ordinance regarding the refunding of 2007 Certificate of Obligation. (FINANCE)

ORDINANCE NO. 9386

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF MIDLAND, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, TAXABLE SERIES 2015B"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS; ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF SAID BONDS; AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID BONDS TO AN AUTHORIZED CITY OFFICIAL.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9386.

Council Member Love moved approval of the first of two readings of Ordinance No. 9386 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

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

no appointments were made.

meeting adjourned at 3:43 p.m.

EXECUTIVE SESSION

Mayor recessed to executive session at 12:33 p.m. noting would return to open session no sooner than 1:45 p.m.

reconvene 1:57 p.m.

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

a. Section 551.074, Personnel Matters.

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

a.2. Deliberate the employment, evaluation, compensation, and duties of the City Attorney.

b. Section 551.087, Deliberate Economic Development Negotiations.

b.1. Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives. Among the matters to be discussed will be a potential economic development agreement with Hotel Santa Rita No. 1 Midland Partners, LLC.

c. Section 551.072, Deliberation Regarding Real Property.

c.1. Discuss the sale, exchange, lease or value of real property described as Block 55, Original Town Addition, City and County of Midland, Texas. Block 55 is the site of the former Midland County Courthouse. The Council will discuss the proposed sale of said real property to Hotel Santa Rita No. 1 Midland Partners, LLC.

d. Section 551.071, Consultation with the City Attorney.

d.1. Discuss with the City Attorney and attorneys from the Cotton, Bledsoe, Tighe & Dawson Law Firm litigation styled Lockridge Outdoor Advertising, LLC v. City of Midland, in the 142nd Judicial District Court in Midland County, Texas, Cause No. CV-50,846.

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