BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:30 a.m. on November 18, 2014.

Mayor Morales called the meeting to order at 9:32 a.m.

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: City Manager Courtney Sharp, First Assistant City Attorney John Ohnemiller, Deputy City Manager Tommy Hudson, Assistant City Manager Robert Patrick, Assistant City Manager Frank Salvato, City Secretary Amy Turner, Assistant City Attorney Natasha Brooks, Finance Director Pam Simecka, Community Services Director Tina Jauz, General Services Director Fred Reyes, Purchasing Manager Regina Stephenson, and Public Information Officer Sara Bustiloz.

1. Receive and discuss a presentation from the City Attorney's Office regarding proposed contract provisions relating to retainage, liquidated damages for late completion, and bonus or incentive payments for early completion.

First Assistant City Attorney John Ohnemiller reported his office was asked to draft proposed contract changes for retainage, liquidated damages and bonus or incentive payments for early completion of projects. He provided a copy of proposed contract wording noting staff needed direction to plug in information in the yellow highlighted areas.

He discussed his research noting that cities have latitude in setting retainage amounts but noted that where more than 5% is retained on a contract over $400,000 the money needs to be held in an interest bearing account and the interest must be given to the contractor upon completion of the contract.

Moving to liquidated damages he emphasized that it cannot be a penalty because the courts will not enforce penalties. He discussed the three criteria that must be met noting that if the actual damages are not proportionate to the liquidated damages you can only take actual damages.

Discussion ensued about how to quantify damages and it was deemed it would need to be done on a case by case basis and should be included in the bid process.
Mr. Ohnemiller recapped that he heard Council wants damage clause in contracts over $500,000 or longer than six months and to keep the retainage at 5%. For early completion the line should be left blank for Council to decide.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 10:00 a.m.

REGULAR SESSION
The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., November 18, 2014.

Mayor Morales called the meeting to order at 10:00 a.m.

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, First Assistant City Attorney John Ohnemiller, Deputy City Manager Tommy Hudson, Assistant City Manager Robert Patrick, and Assistant City Manager Frank Salvato.

The Agenda Items were heard in the following order: 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 10, 21, 27, 28, 29, 30, 31, 32, 33, 31(2nd time), 34, 35, 36, 43, 36 (2nd time), 37, 38, 55, 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54.

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

PRESENTATIONS
3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to: None.

Mayor Morales recognized Ryan Hernandez, an outstanding student from St. Ann’s, who was present for the meeting. He also recognized that former President George Bush and First Lady Laura Bush who were in town yesterday.

PUBLIC COMMENT
4. Receive public comments where individuals may address the City Council on City related issues and projects. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting. (Please limit comments to three minutes or less.)
Kyle Huckaba, 2510 Regency Oaks, noted he was discussing Agenda Item number 10. He has been involved in GMFL (Greater Midland Football League) for 18 years and has been the president for 15. He spoke about how overcrowded they are at their Holiday Hill location noting they have grown to over 800 kids and that some are being turned away. He asked council to consider the agenda item which will give them more fields.

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 5 - 27 excluding 10, 21, 27; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

5. Approved a motion approving the following minutes:

   a. Regular meeting of November 4, 2014.

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

   RESOLUTION NO. 2014 - 411
   RESOLUTION AUTHORIZING THE CITY TREASURER TO WRITE OFF AS UNCOLLECTIBLE CERTAIN DELINQUENT ACCOUNTS FOR WATER, SEWER, AND SANITATION SERVICES

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

   RESOLUTION NO. 2014 - 412
   RESOLUTION AUTHORIZING THE CITY TREASURER TO WRITE OFF AS UNCOLLECTIBLE CERTAIN DELINQUENT ACCOUNTS FOR MISCELLANEOUS ACCOUNTS RECEIVABLE AND INSUFFICIENT FUNDS CHECKS

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

   RESOLUTION NO. 2014 - 413
   RESOLUTION AUTHORIZING THE CITY TREASURER TO WRITE OFF AS UNCOLLECTIBLE CERTAIN DELINQUENT ACCOUNTS FOR EMERGENCY MEDICAL SERVICES RECEIVABLES

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

   RESOLUTION NO. 2014 - 414
   RESOLUTION APPROVING THE CITY OF MIDLAND’S FISCAL YEAR 2015 INVESTMENT POLICY

11. Approved a resolution approving a professional services agreement for engineering and architectural services for the renovation and new construction of sports fields at Bill Williams Softball Complex and Hogan Park ball fields for the Community Services Department; and appropriating funds therefore. (PURCHASING)
RESOLUTION NO. 2014 - 416
RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH LUCK DESIGN TEAM, LLC, TO PERFORM ENGINEERING AND ARCHITECTURAL DESIGN SERVICES FOR SPORTS FIELDS AT BILL WILLIAMS SOFTBALL COMPLEX AND HOGAN PARK AT A TOTAL COST OF $30,600.00; AND APPROPRIATING FUNDS

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

RESOLUTION NO. 2014 - 417
RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH RESTROOM FACILITIES, LTD., OF MARBLE FALLS, TEXAS FOR THE PURCHASE AND INSTALLATION OF A RESTROOM FACILITY AT HOGAN PARK, FOR A TOTAL COST OF $114,639.00 THROUGH BUYBOARD; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

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

RESOLUTION NO. 2014 - 418
RESOLUTION APPROVING THE PURCHASE OF ONE THOUSAND EIGHT (1,008) NINETY-SIX (96) GALLON ROLL OUT CARTS FROM OTTO ENVIRONMENTAL SYSTEMS (NC), LLC, OF CHARLOTTE, NORTH CAROLINA, AT A TOTAL COST OF $50,702.40

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

RESOLUTION NO. 2014 - 419
RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS IN THE AMOUNT OF $125,000.00 FROM THE 2014 CERTIFICATES OF OBLIGATION TO THE BEAL DOG PARK PROJECT (9120) TO BEGIN PROCURING THE ELEMENTS NECESSARY FOR THE INSTALLATION OF A NEW DOG PARK AT BEAL PARK

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

RESOLUTION NO. 2014 - 420
RESOLUTION APPROVING THE PURCHASE OF ONE (1) 623K WHEELED SCRAPER FROM WARREN POWER AND MACHINERY, INCORPORATED, DBA WARREN CAT, THROUGH BUYBOARD AT A TOTAL COST OF $773,801.81; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

16. Approved a resolution authorizing the execution of an assignment with the City of Midland regarding the parking garage facility located on Lot 1A, Block 53, Original
Resolutions:

17. Approved a resolution approving the issuance of a permit to High Sky Partners, LLC (Operator), to drill an oil & gas well within the City Limits, (Cowden No 1205D) located 2,129 feet from the south line and 2,262 feet from the east line located in Section 12, Block “X”, H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Mockingbird Lane, approximately 3,000 feet east of State Highway 349.) (DEVELOPMENT SERVICES)

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

19. Approved a resolution approving the issuance of a permit to High Sky Partners, LLC (Operator), to drill a non-commercial salt-water well within the City Limits, (Synatschk No 100SW) located 1,577 feet from the north line and 1,122 feet from the east line located in Section 1, Block “X”, H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of extension of Solomon Lane, approximately 1,099 feet west of extension of Fairgrounds Road.) (DEVELOPMENT SERVICES)
RESOLUTION NO. 2014 - 424
RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO HIGH SKY PARTNERS, LLC (“OPERATOR”) TO DRILL A NON-COMMERCIAL SALT-WATER DISPOSAL WELL WITHIN THE CITY LIMITS LOCATED 1,577 FEET FROM THE NORTH LINE AND 1,122 FEET FROM THE EAST LINE, SECTION 1, BLOCK “X”, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE EXTENSION OF SOLOMON LANE, APPROXIMATELY 1,099 FEET WEST OF THE EXTENSION OF FAIRGROUNDS ROAD)

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

RESOLUTION NO. 2014 - 425
RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH HIGH SKY PARTNERS, LLC REGARDING ITS APPLICATION TO DRILL A NON-COMMERCIAL SALTWATER DISPOSAL WELL WITHIN THE CITY LIMITS IN SECTION 1, BLOCK “X”, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

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

RESOLUTION NO. 2014 - 427
RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO HIGH SKY PARTNERS, LLC (“OPERATOR”) TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,416 FEET FROM THE NORTH LINE AND 1,522 FEET FROM THE WEST LINE, SECTION 1, BLOCK “X”, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE EXTENSION OF SOLOMON LANE, APPROXIMATELY 1,522 FEET EAST OF STATE HIGHWAY 349); SAID AMENDMENT AUTHORIZES 24-HOUR CONTINUOUS FRACTURE STIMULATION OPERATIONS

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

RESOLUTION NO. 2014 - 428
RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO HIGH SKY PARTNERS, LLC (“OPERATOR”) TO DRILL AN OIL AND GAS WELL WITHIN
THE CITY LIMITS LOCATED 2,416 FEET FROM THE NORTH LINE AND 1,572 FEET FROM THE WEST LINE, SECTION 1, BLOCK “X”, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE EXTENSION OF SOLOMON LANE, APPROXIMATELY 1,572 FEET EAST OF STATE HIGHWAY 349); SAID AMENDMENT AUTHORIZES 24-HOUR CONTINUOUS FRACTURE STIMULATION OPERATIONS

24. Approved a resolution amending Resolution 2014-235 for an Oil and Gas Well Drilling Permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Isbell No 107D) located 2,416 feet from the north line and 1,622 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the extension of Solomon Lane, approximately 1,622 feet east of State Highway 349.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 429
RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO HIGH SKY PARTNERS, LLC (“OPERATOR”) TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,416 FEET FROM THE NORTH LINE AND 1,622 FEET FROM THE WEST LINE, SECTION 1, BLOCK “X”, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE EXTENSION OF SOLOMON LANE, APPROXIMATELY 1,622 FEET EAST OF STATE HIGHWAY 349); SAID AMENDMENT AUTHORIZES 24-HOUR CONTINUOUS FRACTURE STIMULATION OPERATIONS

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

RESOLUTION NO. 2014 - 430
RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND CROWNQUEST OPERATING, LLC; SAID RIGHT-OF-WAY LICENSE IS FOR ENTERING CITY OF MIDLAND’S PROPERTY FOR THE PURPOSE OF PLACING, INSTALLING, CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND REMOVING POLY FLOW LINES AND TO HAVE THE RIGHT OF INGRESS AND EGRESS AT CONVENIENT POINTS FOR SUCH PURPOSE; THE PROPERTY IS LOCATED IN MIDLAND COUNTY, TEXAS, BEING SECTIONS 5 AND 8, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY; THE LICENSE TERM IS FOR FIFTEEN (15) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE AND SHALL AUTOMATICALLY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL FIVE (5) YEAR TERM UPON 120 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

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

RESOLUTION NO. 2014 - 431
RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH LOS CONCHOS VENTURES, LLC FOR
DEVELOPMENT OF GREATHOUSE ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF HOLIDAY HILL ROAD, APPROXIMATELY 800 FEET SOUTH OF MOCKINGBIRD LANE); AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED $64,499.00; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

The following items were pulled from Consent Agenda and considered individually.

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

RESOLUTION NO. 2014 - 415
RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH LUCK DESIGN TEAM, LLC, TO PERFORM DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE DEVELOPMENT AND CONSTRUCTION OF SPORTS FIELDS AT THE SCHARBAUER SPORTS COMPLEX AT A TOTAL COST OF $225,900.00; AND APPROPRIATING FUNDS

Council Member Dufford asked Mr. Huckaba how many fields were needed to adequately accommodate all of the kids. Mr. Huckaba noted ultimately he would like eight fields, but four fields would double his space and would make it more manageable.

Council Member Dufford moved to adopt Resolution No. 2014 - 415; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

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

RESOLUTION NO. 2014 - 426
RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO HIGH SKY PARTNERS, LLC (“OPERATOR”) TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,416 FEET FROM THE NORTH LINE AND 1,472 FEET FROM THE WEST LINE, SECTION 1, BLOCK “X”, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE EXTENSION OF SOLOMON LANE, APPROXIMATELY 1,472 FEET EAST OF STATE HIGHWAY 349); SAID AMENDMENT AUTHORIZES 24-HOUR CONTINUOUS FRACTURE STIMULATION OPERATIONS

Council Member Dufford pulled this item to allow Ron Jenkins the opportunity to tell about this item.

Oil & Gas Coordinator Ron Jenkins reported the current ordinance allows fracing from 7:00 a.m. to 7:00 p.m. which means in some cases they have to shut down before dark.
Vertical wells are typically two to three stages but horizontal wells are 20 to 25 stages. This company is requesting to go 24 hours to get in and out as quickly as possible rather than being at a location for several days.

Council Member Sparks spoke about the industry seeing a lot of success when they can keep the energy charged up.

Council Member Dufford moved to adopt Resolution No. 2014 - 426; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

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

RESOLUTION NO. 2014 - 432
RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE MUNICIPAL SOLID WASTE LANDFILL SCALE HOUSE AND ENTRANCE FACILITIES CONSTRUCTION PROJECT

Mayor Morales asked about how many more cells can be built at the landfill and if the scale house was portable. Solid Waste Director Morris Williams reported there is at least 50 years left on the current landfill and that the scale could not be moved to another location. The scale house can accommodate two inbound trucks and one outbound truck at a time and will be radio frequency (RFID) compatible so that only private haulers will have to stop to communicate with the operator.

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

SECOND READINGS

28. Consider an ordinance on second reading on a request by Choice Outdoor for a Specific Use Permit with term for an Electronic Billboard on Lots 11 & 12, Block 40, College Heights, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of South Garfield Street and Front Street.) (DEVELOPMENT SERVICES) (First Reading Held on November 4, 2014.)

ORDINANCE NO. 9346
AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A LOTS 11 AND 12, BLOCK 40, COLLEGE HEIGHTS, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH GARFIELD STREET AND FRONT STREET), WHICH IS PRESENTLY ZONED C-3, COMMERCIAL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR AN ELECTRONIC BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND
SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

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

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

Council Member Robnett noted that Lamar has removed two billboards to make room for this billboard and this application is in accordance with the spacing ordinance.

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

Consider an ordinance on second reading on a request by Lamar Advertising/David Hoff Trust for a Specific Use Permit with Term for an Electronic Billboard on a 0.046-acre tract of land out of Section 5, Block 39, T-2-S, T & P RR Company Survey, City and County of Midland, Texas. (Generally located on the intersection of South Midland Drive and West Interstate Highway 20.) (DEVELOPMENT SERVICES) (First reading held on November 04, 2014.)

ORDINANCE NO. 9347
AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 0.046-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE INTERSECTION OF SOUTH MIDLAND DRIVE AND WEST INTERSTATE HIGHWAY 20), WHICH IS PRESENTLY ZONED BP, I-20 BUSINESS PARK DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR AN ELECTRONIC BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

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

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9347 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Love, Sparks, Morales, Lacy, Robnett. NAY: Hotchkiss, Dufford. ABSTAIN: None. ABSENT: None.

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

ORDINANCE NO. 9348
FIRE MARSHAL; ESTABLISHING A PRESUMPTION OF VALIDITY OF A FIRE LANE THAT SUBSTANTIALLY COMPLIES WITH THE REQUIREMENTS OF TITLE VII, “FIRE REGULATIONS,” CHAPTER 1, “FIRE PREVENTION CODE,” OF THE MIDLAND CITY CODE; REPEALING ORDINANCE NUMBERS 7425 AND 8867 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES WHICH ARE IN CONFLICT WITH THIS ORDINANCE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); PROVIDING AN APPEAL PROCESS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9348.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9348 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

PUBLIC HEARINGS

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

ORDINANCE NO. 9349
AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 6.51-ACRE TRACT OF LAND OUT OF SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, IN PART, AND 1F-1, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS AN LR-3, LOCAL RETAIL DISTRICT; BY PERMITTING A 15.65-ACRE TRACT OF LAND OUT OF SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, IN PART, AND 1F-1, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS AN MF-2, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH LAMESA ROAD, APPROXIMATELY 600 FEET NORTH OF EAST INTERSTATE HIGHWAY 20); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is asking to change the zoning to multi-family on the southern portion and LR-3 on the northern portion for retail or storage facilities. The Transportation Division deemed a traffic impact analysis was not needed. The multi-family portion will be lower income housing. Staff and Planning & Zoning recommend approval. When asked what uses are allowed in LR-3, Mr. Harrington did not know off
hand. Because of concern for uses that could go into LR-3 Council chose to move to another item and come back to this item later in the meeting.

(Agenda Items 32 and 33 were heard and then Council returned to this item to finish discussion.)

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

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

Mr. Harrington read the uses allowed in LR-3 noting they wanted LR-3 because it might be used for storage facilities. Council agreed a storage facility would be an appropriate use but noted there was no control in ensuring that was the only use if the zoning was changed. A suggestion was made to leave the zoning LR-2 and when the property is being developed with storage units the zoning could be changed at that time.

Council Member Love moved approval of the first of two readings of Ordinance No. 9349 in accordance with the Charter of the City of Midland with amendment to change zoning on the northern portion to LR-2; 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.

32. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Oscar Galindo for a zone change from 1F-2, One-Family Dwelling District, to 1F-3, One-Family Dwelling District on a .31-acre tract of land out of Block 3, 4 & 5, W.W. Harris Addition, City and County of Midland, Texas. (Generally located on the east side of North Weatherford Street, approximately 110 feet north of Mississippi Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9350
AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 0.31-ACRE TRACT OF LAND OUT OF BLOCKS 3, 4 AND 5, W.W. HARRIS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH WEATHERFORD STREET, APPROXIMATELY 110 FEET NORTH OF MISSISSIPPI AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant was wishing to rezone so the lots could be replatted to 1F-3 sized lots which is like the rest of the neighborhood. Planning & Zoning recommended approval and staff concurs.

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

Ben Sanchez, Schumann Engineering, 408 N. Pecos Street, reported he is taking the two larger lots and replatting them to build single family homes.
There being no one else wishing to speak, the public hearing was closed at 10:47 a.m.

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

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9350 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

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

ORDINANCE NO. 9351
AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS; BY PERMITTING LOTS 10, 11 AND 12, BLOCK 183, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN LR-3, LOCAL RETAIL DISTRICT (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST FLORIDA AVENUE AND SOUTH BIG SPRING STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is asking to rezone to use the property for preowned auto sales. There will be no car or truck carriers coming to the site.

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

Chris Robin, 7100 West County Road 46, reported this is his fourth auto lot and will be a display lot for his other location. The lot will have asphalt and the building will be similar to the Car Store on Wall Street.

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

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9351 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

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

ORDINANCE NO. 9352
AN ORDINANCE VACATING AND ABANDONING A 0.07-ACRE PORTION OF ALLEY RIGHT-OF-WAY ADJACENT TO LOTS 3-10, BLOCK 59, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WALL STREET, APPROXIMATELY 150 FEET WEST OF NORTH PECOS STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $12,196.80; AND ORDERING RECORDATION BY THE CITY SECRETARY

Development Services Director Chuck Harrington gave a brief overview of the item noting it was a request to abandon the southern portion of an alley. The applicant owns both sides of property and wants to develop a parking lot. The alley will empty into the parking lot have access to the street. They will dedicate an easement to the City prior to the City recording the vacation. This will not affect trash pick-up and the applicant did request an exchange of property for the dedication of easement.

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

Andrew Mellon, 1909 W. Wall, Maverick Engineering, reported they are asking to vacate the alley to add more parking to their lot. They will divert alley traffic on Pecos. He noted it was never suggested to trade areas so he did not ask to trade.

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

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

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9352 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

At approximately 10:45 A.M. hold a public hearing and consider an ordinance on a request by Chet K. Gray for a zone change from PD, Planned District for a Shopping Center to C-3, Commercial District on Lots 3A, 4A and 5A, Gamblin Addition, Section 4, and Lots 6 and 7, Block 1, Gamblin Addition, Section 3, all located in City and County of Midland, Texas. (Generally located northwest of the intersection of South Midland Drive and Seminole Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9353
AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 3A, 4A AND 5A, BLOCK 1, GAMBLIN ADDITION, SECTION 4, AND LOTS 6 AND 7, BLOCK 1, GAMBLIN ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS A C-3, COMMERCIAL DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH MIDLAND DRIVE AND SEMINOLE DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING
Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is wishing to sell small storage buildings from this location and the current underlying zoning does not allow that use. Two letters of objection have been received regarding potential flooding. He noted this property is in a flood zone so any building would be required to be built one foot above the flood plain. Planning and Zoning recommended approval and Staff concurs. It was noted that both letters of objection are from the same person and say the same thing. Mr. Harrington confirmed there is a retention basin in the area.

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

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

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

When asked what type of storage they would be selling, Mr. Harrington responded they are pre-manufactured buildings that are about 200-300 square feet.

The applicant was asked to step forward.

Steve Miles, 400 Crenshaw Drive, reported the building structures that are currently there will stay. They want to rezone for a future use. The storage buildings will come from Seminole and are unfinished shells that will be sold or rented and delivered to the buyer. They plan to put a metal fence between them and the residential area and a pipe fence around the remaining perimeter of the property.

Brief discussion ensued about a remaining piece of property that will remain PDSC that is not owned by the applicant.

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

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

RESOLUTION NO. 2014 - 433
RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A MOBILE FOOD VENDOR ON LOT 12, BLOCK 26, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST OHIO AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS
CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant would like to locate a mobile food truck on the lot. The exhibit may not be the exact location of the mobile food truck but an example of where they may park. There will also be a permanent structure of a double decker bus and another structure for restroom facilities. The location will have outdoor dining available.

Council asked to hear the other item first related to this item (Agenda Item 43).

(Agenda Item 43 was heard and then Council returned to this item to finish discussion.)

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

Sonny Aguilar, P.O. Box 7747, has a mobile food truck that will be moved to protect the bus from the sun or wind and to create ambience for the area. He asked for the same late hours noting he may not always be open but would like to have it just in case.

Council Member Love questioned Section 2, Item C noting the bus must be parked in conformity to the Exhibit A and expressed concern that it would be impossible for him to conform without dimensions. It was suggested to amend the resolution to allow him to park the mobile food truck anywhere within the perimeter of his property.

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

Council Member Lacy moved to adopt Resolution No. 2014 - 433 with amendment that mobile food bus can move anywhere within the boundary of the property; 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.

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

(Development Services)

ORDINANCE NO. 9354
AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3.13-ACRE TRACT OF LAND OUT OF THE SOUTHEAST QUADRANT OF SECTION 31, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 3,000 FEET EAST OF NORTH FARM-TO-MARKET ROAD 1788), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR AN ELECTRONIC BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

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Development Services Director Chuck Harrington gave a brief overview of the item noting it was a request for an electronic billboard on Highway 191 that meets spacing requirements and complies with the current sign ordinance. Planning and Zoning recommended approval.

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

Chris Stokes, Lamar Advertising, reported he came to Council before with a request that he is afraid is within 1500 feet of this item but due to a mistake by staff this item was placed on the agenda prior to his item. He asked Council if only one sign will be allowed that Council approve his sign because he submitted his application first. He emphasized he has already taken down a sign last spring to allow for this one to go up.

Council Member Sparks agreed that if only one will fit in this area it should be Lamar's sign since he had his application in first. Development Services Director Chuck Harrington confirmed he had staff measure the distance again yesterday and there is ample room for both billboards.

Beau Burkett, Austin, reported his sign complies with all requirements and felt there was ample room for both signs. He reported he has been working on the site for over a year and they are a small family-owned business that only has one other billboard in town. He felt competition would be good for the area.

When asked if the City measures the same was as TxDOT, Mr. Harrington reported the City is required to measure by a straight line and TxDOT follows the road. He confirmed the two billboards have adequate spacing.

Tony Lockridge, Austin, speaking on behalf of Mr. Burkett, reported a billboard company will never remove a sign and only removes it when a land owner doesn't want the sign to remain.

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

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

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9354 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Love, Sparks, Lacy, Robnett. NAY: Hotchkiss, Morales, Dufford. ABSTAIN: None. ABSENT: None.

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

ORDINANCE NO. 9355
AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 6, HALEY HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE
Development Services Director Chuck Harrington gave a brief overview of the item noting the item was for a proposed billboard that meets current codes for location and design. Planning & Zoning recommended approval and one letter of objection was received. He confirmed the nearest billboard exceeds 1500 feet.

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

Tony Lockridge, Austin, reported he was available to answer any questions noting he followed all of the criteria of the ordinance. He gave a brief history of his business noting he has read over 4,000 codes across the United States. He reported that due to lack of competition, billboard rates are extremely high in this area and asked the Council to consider his application. He is working on obtaining 10 billboards in the City.

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

When asked for the number of billboards in the area, Mr. Harrington reported this would make the sixth billboard between Florida and I-20.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9355 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks. The motion failed by the following vote: AYE: Love, Sparks. NAY: Hotchkiss, Morales, Dufford, Lacy, Robnett. ABSTAIN: None. ABSENT: None.

(Council recessed the meeting to Executive Session.)

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

ORDINANCE NO. 9356

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 17, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH LAMESA ROAD AND EAST FRONT STREET), WHICH IS PRESENTLY ZONED C-3, COMMERCIAL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A
CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a request to construct a billboard. The property is undeveloped, the maximum height is 30 feet with a maximum square footage of 300 feet and requires a 15-foot setback. This request complies with the current City Code. Planning & Zoning recommended approval and one letter of objection was received.

Council Member Love expressed concern because of the proximity to a giant sign near Greater Life.

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

Tony Lockridge, Austin, TX, reported this area is currently zoned under a section of the ordinance that is broken into two sections and there seems to be misunderstanding of that section. He felt there were several zoning groups that do not require a specific use permit for billboards and that billboards are permitted by right and he felt this was one of those areas pointing out there were signs on this road that went up without a SUP. He noted he would yield to the City Attorney to further clarify.

First Assistant City Attorney John Ohnemiller reported the section of the sign code that is in effect (Section 7a). That section, in connection with billboards, refers to compliance with the zoning code. The zoning code clearly requires a specific use permit. He does not agree with Mr. Lockridge that by right they are entitled to a billboard located at this location or any other location.

Mr. Lockridge asked the Council for fairness and due process through the entire procedure. He referred to a staff report that that did not have to go through the SUP process. He noted his free speech and constitution rights have all been compromised.

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

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

The item died for lack of a motion.

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

ORDINANCE NO. 9357
AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS R AND S, TRACT 1, STOCKYARD ACRES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALY LOCATED BETWEEN WEST INDUSTRIAL AVENUE AND WEST FLORIDA AVENUE, APPROXIMATELY 1,100 FEET EAST OF SOUTH GARFIELD STREET), WHICH IS PRESENTLY ZONED C-3,
COMMERCIAL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting it was a request for a billboard that will have a maximum height of 30 feet. The sign will be a double-sided static billboard. Planning & Zoning recommended approval and the nearest sign is outside of the distances allowed.

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

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9357 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Love, Sparks, Morales, Lacy. NAY: Hotchkiss, Dufford, Robnett. ABSTAIN: None. ABSENT: None.

At approximately 11:06 A.M. hold a public hearing and consider an ordinance on a request by Lockridge Outdoor Advertising, LLC/Isidoro Salas for a Specific Use Permit with Term for a Billboard on Lot 4, Block 10, Greenwood Addition, City and County of Midland, Texas. (Generally located on the west side of South Fairgrounds Road, approximately 110 feet north of East Washington Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9358
AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 4, BLOCK 10, GREENWOOD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH FAIRGROUNDS ROAD, APPROXIMATELY 110 FEET NORTH OF EAST WASHINGTON AVENUE), WHICH IS PRESENTLY ZONED C-3, COMMERCIAL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting this billboard will be in an undeveloped lot with a maximum height of 30 feet. The location and design meets current codes. Planning & Zoning recommended approval.

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

Council Member Love reported this area is near residential and isn’t sure there is a sufficient buffer.
Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9358.

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

When asked about billboards between this location and to the south, Mr. Harrington reported he did not believe there were any others and certainly none within the allowed spacing distances.

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

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

ORDINANCE NO. 9359
AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF LOT 6B, BLOCK 3, CORPORATE PLAZA ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 200 FEET SOUTH OF SPRING PARK DRIVE), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR UTILITY STORAGE; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting the existing location has storage buildings and the applicant is wishing to expand and build an additional two buildings consistent with their current buildings. The applicant modified their plans at Staff request to meet current codes. Planning and Zoning recommended approval and Staff concurs.

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

Ben Sanchez, 408 N. Pecos, Schumann Engineering, noted he was available to answer any questions.

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

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9359 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT:
At approximately 11:12 A.M. hold a public hearing and consider an ordinance on a request by Sonny Aguilar for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 12, Block 26, Original Town Addition, City and County of Midland, Texas. (Generally located southeast of the intersection of North Colorado Street and West Ohio Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9360
AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 12, BLOCK 26, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST OHIO AVENUE), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting this item related to Agenda Item 36. This item is for a specific use permit for the sale of alcoholic beverages and has nothing to do with the structure itself. The applicant is proposing to turn a double decker bus into a restaurant where alcoholic beverages will be served until 2 a.m. No written letters of objection were received.

A suggestion was made to limit the sale of alcoholic beverages to midnight.

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

Sonny Aguilar, P.O. Box 7747, Midland, shared pictures of his concept of other similar type restaurants noting the bottom floor will be the kitchen and there will be seating in the upper deck. The menu will contain between five and six items and will constantly change and will be chef driven. The alcohol will be paired with the specific foods and will also change. His bus will have utilities directly tied into the ground so the bus will not be able to drive away. The same will go for the restrooms. It is designed to look like a trailer that can be driven away but it will be tied directly into utilities. When asked what would happen to the structure if the business did not succeed, Mr. Aguilar reported the vehicles would be removed from the location. When asked if he had a problem with reducing his hours of alcohol sales, Mr. Aguilar replied he would agree but still wanted to be open to serve food for other downtown events.

Gloria Salazar, 2504 Candle Tree, Midland, reported she owns So Fly Boutique and spoke in support of this request noting it was in keeping with downtown revitalization efforts and that ventures like this were needed downtown.

Phil Caudill, 2504 Candle Tree, Midland, reported this was a good idea and would like to see this business happen in downtown. He noted it is very tough to have a food establishment in Midland that does not sell alcohol. If the business were to fail it would
be easy to sell the bus and move it to another location. He recommended the Council go for it.

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

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

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

When asked if there was any way the double decker bus could be considered a junk vehicle, First Assistant City Attorney John Ohnemiller reported it would be difficult to consider it a junk vehicle after the City issues a certificate of occupancy and a health permit to operate his restaurant.

It was suggested that if Council approves this item it should be considered like any other business that serves alcohol.

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

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

ORDINANCE NO. 9361
AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 2, WEST INDUSTRIAL PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 750 FEET EAST OF FARM-TO-MARKET ROAD 1788), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting this is for Lamar Advertising who is planning to erect a sign. The applicant has already removed another existing billboard in exchange for this sign so this item will not add to the billboard count. The application meets the current code and Planning & Zoning recommended approval.

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

Chris Stokes reported he would defer to staff but was available for questions.
Beau Burkett, Austin, raised the objection the Mr. Stokes raised on his item earlier wondering if there was proper spacing between his sign and this sign. He is taking a huge financial risk by building his sign and didn’t know another sign would be placed so close to his.

Council Member Sparks pointed out that on Mr. Burkett’s item (Agenda Item No. 37) his intention was to not vote for Mr. Burkett’s item because Mr. Stokes’ application was submitted first. However, Mr. Burkett raised a good point that competition is good so he voted in favor of Mr. Burkett’s item and therefore would also vote in favor of this item.

Mr. Harrington confirmed again there was adequate spacing for both signs.

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

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9361 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Love, Sparks, Morales, Lacy, Robnett. NAY: Hotchkiss, Dufford. ABSTAIN: None. ABSENT: None.

At approximately 11:18 A.M. hold a public hearing and consider a resolution on a request by Joe Smith/Oregon Trail Trees for a Temporary Land Use Permit for Outdoor Christmas Tree Sales on the remainder of Lot 1, Block 1, Scotsdale Addition, Section 2, City and County of Midland, Texas. (Generally located on the west side of North Midland Drive, approximately 160 feet south of West Dengar Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 434
RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR OUTDOOR CHRISTMAS TREE SALES ON LOT 1, BLOCK 1, SCOTSDALE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDLAND DRIVE, APPROXIMATELY 160 FEET SOUTH OF WEST DENGAR AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting this was for the sale of Christmas trees at Casa Verde Nursery from November 28 through December 20. Staff recommends approval.

Mayor Morales opened the public hearing at 1:52 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

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

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

This item was deferred until December 16.
47. At approximately 11:24 a.m. hold a public hearing and consider an annexation of the property being a 5.23-acre tract of land out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the west side of Tradewinds Boulevard, approximately 170 feet south of Champions Drive). (This is a public hearing only, no action will be taken.) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting it was a request to annex a City property for a future fire station.

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

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

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

ORDINANCE NO. 9362
AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1A, BLOCK 8, WESTRIDGE PARK ADDITION, SECTION 30, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF DEAUVILLE BOULEVARD AND GRIFFITH DRIVE), BY PERMITTING A BUILDING TO EXCEED THE MAXIMUM HEIGHT LIMIT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting it was a request for a parking structure as part of the Oxy development. There is a maximum building height of 68 feet and in two locations the stair enclosures exceed that height.

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

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

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9362 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

49. At approximately 11:30 A.M. hold a public hearing and consider a resolution supporting the VDC Compass Pointe, LP development application to the Texas Department of Housing and Community Affairs. (DEVELOPMENT SERVICES)
RESOLUTION NO. 2014 - 435
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS
STATING NO OBJECTION TO VDC COMPASS POINTE, LP’S APPLICATION TO THE
TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR 2014
HOUSING TAX CREDITS FOR A PROPOSED DEVELOPMENT OF AFFORDABLE
RENTAL HOUSING THAT WILL BE LOCATED AT 1509 WAYSIDE DRIVE, MIDLAND,
TEXAS, KNOWN AS COMPASS POINTE APARTMENTS; AUTHORIZING AND
DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE
TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS; AND PROVIDING
AN EFFECTIVE DATE

Development Services Director Chuck Harrington gave a brief overview of the item
noting this is a resolution of support for affordable housing.

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

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

MISCELLANEOUS

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

This item was withdrawn at applicant’s request.

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

ORDINANCE NO. 9363
AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS
WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE
TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE
DESIGNATED LOCATIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING
A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY
OR FINE OF TWO HUNDRED DOLLARS ($200.00); AND ORDERING PUBLICATION

Traffic Engineer Mike Pacelli gave a brief overview of the item noting this is a standard
stop sign ordinance adding three types of stop signs. The first type is adding 37 new
intersections that have been constructed or platted. The second type is converting 41
yield signs to stop signs and the final type is changing four intersections in downtown
along Missouri from traffic signals to stop signs. He noted the traffic signals need
complete reconstruction at a cost of over $150,000 and that a traffic analysis revealed signals are not needed.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9363 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

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

ORDINANCE NO. 9364
AN ORDINANCE ESTABLISHING YIELD RIGHT OF WAY SIGNS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; REQUIRING AND AUTHORIZING THE POSTING OF APPROPRIATE SIGNS AT SAID INTERSECTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS ($200.00); AND ORDERING PUBLICATION

Traffic Engineer Mike Pacelli noted this was complementary to the stop sign ordinance and was for removing the yield signs that would be replaced with stop signs.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9364 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

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

RESOLUTION NO. 2014 - 436
RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT WITH THE NEXT CITY ATTORNEY EFFECTIVE MARCH 1, 2015

Council Member Sparks moved to adopt Resolution No. 2014 - 436; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

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

No appointments were made.
EXECUTIVE SESSION

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

   a. 551.074, Personnel Matters

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

Mayor Morales recessed the Regular Session to Executive Session at 12:34 p.m. noting they would return no sooner than 1:15 p.m.

Mayor Morales reconvened the meeting in Regular Session at 1:21 p.m.

All of the business at hand having been completed, the meeting adjourned at 2:06 p.m.

PASSED AND APPROVED the 16th day of December, 2014.

________________________________________
Jerry F. Morales, Mayor

ATTEST:

________________________________________
Amy M. Turner, City Secretary