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 January 13, 2015.

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, Utilities Director Laura Wilson, Community Services Director Tina Jauz, Engineering Director Jose Ortiz, General Services Director Fred Reyes, Purchasing Manager Regina Stephenson, Assistant City Attorney Natasha Brooks, and Interim Utilities Director Matt Irvin.

1. Receive a presentation from the General Services Department regarding proposed contract provisions relating to retainage, liquidated damages, and incentive payments for early project completion.

Purchasing Manager Regina Stephenson shared a PowerPoint presentation sharing data gathered from contractors and other cities. The most common amount for retainage is 5%. Liquidated damages are determined case by case in other Cities and are used only in maintenance and public works contracts. Most contractors have seen liquidated damages between the amounts of $100-$500. They do not like to enter contracts that have liquidated damages. Other cities calculate incentive payment using a points system for future contracts. They do not use incentive payments unless there is a legal compliance requirement or a critical need. Contractors don’t typically see incentive payments but would like to have it included if there is a liquidated damages clause. Contractors also felt incentive payments could potential jeopardize craftsmanship.

Staff recommends keeping retainage at 5%; to only use liquidated damages when needed and to have liquidated damages calculated by the City Engineer or a consultant; and to use incentive payments only when there is a legal compliance requirement or a critical need and to have the City Engineer or a consultant calculate the incentives.

Following discussion Council wanted retainage kept at 5%; liquidated damages to be variable and incentive payments used on a case by case basis.

The foregoing agenda items were discussed by the City Council with no formal action taken.

The Briefing Session was adjourned at 9:57 a.m.
REGULAR SESSION
The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., January 13, 2015.

Mayor Morales called the meeting to order at 10:06 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, 6, 7, 8, 9, 10, 14, 15, 21, 5a, 5b, 11, 12, 13, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 60 (lunch), 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59.

OPENING ITEMS
1. Invocation - Rev. Pat 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:
   a. Council Member Sparks presented a Proclamation for Crime Stoppers Month.
   b. Mayor Morales, Andy Cedillo and Joey Jolly recognized the 2014 Christmas Parade Float Winners: 3rd place – Rock the Desert Ministries; 2nd place – Rock La Roca Church; 1st place – Natural Gas Services Group, Inc.; Best Overall/Best Lighted Float – American Eagle Logistics. They also recognized the following people for their help with the parade: Joel Hawkins, Sgt. Jason Lee, Sgt. David Scardino, Scott Pyle, Polo Calzada, Johnny Mancha, Sara Bustilloz, and Joe Sampson.
   c. Mayor Morales received a presentation from representatives from Midland Retired Seniors Volunteer Program. A check was presented that represented the value of volunteers hours given to the community. There were 619 RSVP volunteers who donated 83,906 community services hours at an estimated value of $1,892,080.30.

Council Member Hotchkiss thanked everyone who helped during Midland's recent ice storm.
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.)

Shannon Leverton, Poolville, Texas, works with a disaster removal company out of Weatherford, Texas. He felt the City did a great job during the recent ice storm. The community pulled together which ultimately saved the City a lot of money. He addressed debris issues and noted he was presenting a proposal to staff for removing debris in a safe and timely manner.

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 6 - 21 excluding 5a, 5b, 11, 12, 13, 16, 17, 18, 19, 20; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

6. Approved a resolution approving the sole source purchase for implementation and configuration of Cityworks Server AMS software hosting and SDE Geodatabase hosting from NTB Associates, Inc. of Frisco, Texas for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2015 - 001
RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH NTB ASSOCIATES, INCORPORATED FOR THE PURCHASE OF SOFTWARE AND GEODATABASE HOSTING SERVICES NECESSARY FOR THE CITYWORKS SERVER AMS SOFTWARE AND THE SDE GEODATABASE; SAID PURCHASE WAS NOT BID BUT PURCHASED AS A SOLE SOURCE AT A TOTAL COST OF $75,000.00

7. Approved a resolution rejecting the sole bid received for the construction of the Scale House at the Landfill and authorizing re-advertisement for bids for the Solid Waste Department. (PURCHASING)

RESOLUTION NO. 2015 - 002
RESOLUTION REJECTING THE SINGLE BID RECEIVED FOR THE MUNICIPAL SOLID WASTE LANDFILL SCALE HOUSE AND ENTRANCE FACILITIES CONSTRUCTION PROJECT; AND AUTHORIZING THE CITY MANAGER TO RE-BID SAID PROJECT

8. Approved a resolution approving a contract for the purchase of playground equipment for Fasken Park from Exerplay, Inc. for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2015 - 003
RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH EXERPLAY, INCORPORATED FOR THE PURCHASE OF PLAYGROUND EQUIPMENT FOR FASKEN PARK THROUGH BUYBOARD, IN THE AMOUNT OF $194,376.15, PLUS CONTINGENCIES OF $23,972.66 FOR A TOTAL COST OF $218,348.81; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM
9. Approved a resolution approving a contract for the replacement of the pavilion at Washington Park from Playgrounds, Etc. for the Community Services Department. (PURCHASING)

   RESOLUTION NO. 2015 - 004
   RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH PLAYGROUNDS, ETC., LLP, FOR THE REPLACEMENT OF THE PAVILION AT WASHINGTON PARK THROUGH BUYBOARD, IN THE AMOUNT OF $75,852.00, PLUS CONTINGENCIES OF $5,935.20 FOR A TOTAL COST OF $81,787.20; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

10. Approved a resolution approving a contract for the replacement of the video message boards at the Scharbauer Sports Complex from Daktronics, Inc. for the Community Services Department. (PURCHASING)

   RESOLUTION NO. 2015 - 005
   RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH DAKTRONICS, INCORPORATED, FOR THE REPLACEMENT OF VIDEO MESSAGE BOARDS AT THE SCHARBAUER SPORTS COMPLEX THROUGH BUYBOARD, IN THE AMOUNT OF $148,773.00, PLUS CONTINGENCIES OF $14,560.60 FOR A TOTAL COST OF $163,333.60; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

14. Approved a resolution on a request by Parking Acquisition Company, LLC to accept the dedication of a 20-foot public access easement generally located on the west side of North Pecos Street, approximately 100-feet south of West Texas Avenue. (DEVELOPMENT SERVICES)

   RESOLUTION NO. 2015 - 009
   RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.07-ACRE PUBLIC ACCESS EASEMENT LOCATED IN LOT 3, BLOCK 59, ORIGINAL TOWN ADDITION, MIDLAND, MIDLAND COUNTY, TEXAS, FROM PARKING ACQUISITION CO LLC FOR THE USE AND BENEFIT OF THE PUBLIC FOR PUBLIC ACCESS PURPOSES; AND ORDERING RECORDATION BY THE CITY SECRETARY

15. Approved a resolution on a request by Parking Acquisition Company, LLC #2 to accept the dedication of a public utility easement generally located on the north side of West Wall Street, approximately 140-feet west of North Pecos Street. (DEVELOPMENT SERVICES)

   RESOLUTION NO. 2015 - 010
   RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.07-ACRE UTILITY EASEMENT LOCATED IN BLOCK 59, ORIGINAL TOWN ADDITION, MIDLAND, MIDLAND COUNTY, TEXAS, FROM PARKING ACQUISITION CO LLC FOR THE USE AND BENEFIT OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES; AND ORDERING RECORDATION BY THE CITY SECRETARY

21. Approved a resolution to approve amendments to the Midland Police Department General Orders (POLICE)
RESOLUTION NO. 2015 - 016
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, APPROVING CERTAIN AMENDMENTS TO THE GENERAL ORDERS OF THE MIDLAND POLICE DEPARTMENT; AND PROVIDING THAT THE CITY COUNCIL IS THE POLICYMAKING AUTHORITY OF THE CITY OF MIDLAND

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

5. Consider a motion approving the following minutes:

a. Special Meeting of December 02, 2014.

Council Member Lacy moved to approve the minutes of the Special Meeting of December 02, 2014; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy. NAY: None. ABSTAIN: Sparks. ABSENT: Robnett.

b. Regular meeting of December 16, 2014.

Council Member Sparks moved to approve the minutes of the Regular meeting of December 16, 2014 with the following amendments: Item 29, Page 9 change to "fertilizer not allowed to be put on subject property"; Item 47, Page 20 change to read "flexibility could be restricted"; Item 47, Page 20 change to read "reported restrictions can be placed"; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

11. Consider a resolution accepting the retirement of the City of Midland Municipal Court Presiding Judge effective at 5:00 p.m. on April 15, 2015. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2015 - 006
A RESOLUTION ACCEPTING THE RETIREMENT OF THE CITY OF MIDLAND MUNICIPAL COURT PRESIDING JUDGE EFFECTIVE AT 5:00 P.M. ON APRIL 15, 2015.

Council Member Sparks thanked Judge Robin Smith for his service over the past 30 years and highlighted some of his contributions.

Council Member Sparks moved to adopt Resolution No. 2015 - 006; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

Judge Smith was recognized with a round of applause.

12. Consider a resolution authorizing the posting of the City of Midland Municipal Court Presiding Judge Position. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2015 - 007
RESOLUTION AUTHORIZING THE POSTING OF THE CITY OF MIDLAND MUNICIPAL COURT PRESIDING JUDGE POSITION; AND AUTHORIZING THE ACCEPTANCE OF APPLICATIONS OR RESUMES FOR SAID POSITION; THE CITY
Council Member Love moved to adopt Resolution No. 2015 - 007; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

Consider a resolution authorizing the acceptance of a $10,000.00 donation from Community National Bank for the owner occupied housing minor repairs program. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 008
RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO ACCEPT A DONATION IN THE AMOUNT OF $10,000.00 FROM COMMUNITY NATIONAL BANK FOR THE OWNER OCCUPIED HOUSING MINOR REPAIRS PROGRAM

Council Member Hotchkiss pulled the item to recognize and thank Community National Bank for their contribution.

Council Member Love moved to adopt Resolution No. 2015 - 008; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

Consider a resolution authorizing the negotiation and execution of an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone #1 and White Star Energy. (DOWNTOWN DEVELOPMENT)

RESOLUTION NO. 2015 - 011
RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ) AND WHITE STAR ENERGY, SAID AGREEMENT WAS PREVIOUSLY APPROVED BY THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ)

John Kennedy, 1202 Douglas, reported that the next five items were improvements to downtown Midland.

Council Member Sparks moved to adopt Resolution No. 2015 - 011 subject to ratification of the TIRZ minutes; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

Consider a resolution authorizing the negotiation and execution an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone #1 and Susie's South Forty Confections. (DOWNTOWN DEVELOPMENT)

RESOLUTION NO. 2015 - 012
RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ) AND SUSIE’S SOUTH FORTY CONFECTIONS, SAID AGREEMENT WAS PREVIOUSLY APPROVED BY THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ)
Susie Hitchcock-Hall of Susie’s South Forty Confections reported their improvements included sprinklers and paving. They provide free tours to the public which brings people to downtown Midland. They are the third largest FedEx shipper in Texas.

Council Member Love moved to adopt Resolution No. 2015 - 012 subject to ratification of the TIRZ minutes; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

18. Consider a resolution authorizing the negotiation and execution an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone #1 and Rita Properties Corporation. (DOWNTOWN DEVELOPMENT)

RESOLUTION NO. 2015 - 013
RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ) AND RITA PROPERTIES CORPORATION, SAID AGREEMENT WAS PREVIOUSLY APPROVED BY THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ)

Council Member Love moved to adopt Resolution No. 2015 - 013 subject to ratification of the TIRZ minutes; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

19. Consider a resolution authorizing the negotiation and execution of an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone #1 and Permian Basin Public Telecommunications, Incorporated, DBA Basin PBS (Ritz Theater). (DOWNTOWN DEVELOPMENT)

RESOLUTION NO. 2015 - 014
RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ) AND PERMIAN BASIN PUBLIC TELECOMMUNICATIONS, INCORPORATED, DBA BASIN PBS, SAID AGREEMENT WAS PREVIOUSLY APPROVED BY THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ)

Council Member Love moved to adopt Resolution No. 2015 - 014 subject to ratification of the TIRZ minutes; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

20. Consider a resolution authorizing the negotiation and execution of an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone #1 and Midland Community Theater (Yucca Theater). (DOWNTOWN DEVELOPMENT)

RESOLUTION NO. 2015 - 015
RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ) AND MIDLAND COMMUNITY THEATER, SAID AGREEMENT WAS PREVIOUSLY
Council Member Sparks moved to adopt Resolution No. 2015-015 subject to ratification of the TIRZ minutes; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

Ryan Loyd, Managing Director of MCT thanked Council and other supporters for their contributions.

SECOND READINGS

22. Consider an ordinance on second reading 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9365.

Council Member Love moved to approve the second and final reading of Ordinance No. 9365 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

23. Consider an ordinance on second reading on a request by Sinclair Village for a zone change 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9366.

Council Member Love moved to approve the second and final reading 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. NAY: None. ABSTAIN: None. ABSENT: Lacy, Robnett.

24. Consider an ordinance on second reading on a request by Western LLC for a zone change 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9367.

Council Member Love moved to approve the second and final reading of Ordinance No. 9367 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

25. Consider an ordinance on second reading on a request by Loves Travel Stops and Country Store for a zone change 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9368.

Council Member Love moved to approve the second and final reading of Ordinance No. 9368 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

26. Consider an ordinance on second reading on a request by Midland Owner for a zone change 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9369.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9369 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

First Assistant City Attorney explained the amendments that were made to the ordinance.

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

27. Consider an ordinance on second reading on a request by Lamar Advertising / Felipe Morales for a Specific Use Permit with Term for an Electronic Billboard 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9372.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9372 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Council Member Hotchkiss reported that before this area was developed the best economic development consultants were consulted. They suggested two basic guidelines: no signs except for monument signs which meant no billboards and to include circuitous streets to build a sense of community.

The motion carried by the following vote: AYE: Love, Sparks, Dufford, Lacy. NAY: Hotchkiss. ABSTAIN: Morales. ABSENT: Robnett.

28. Consider an ordinance on second reading on a request by Lamar Advertising / Midland Majestic, LLC for a Specific Use Permit with Term for an Electronic Billboard 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9373.

Council Member Lacy moved to approve the second and final reading 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, Lacy. NAY: Hotchkiss, Dufford. ABSTAIN: None. ABSENT: Robnett.

29. Consider an ordinance on second reading on a request by Burkett Media / Andres Gutierrez On Appeal for a Specific Use Permit with Term for a Billboard 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9374.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9374 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, Lacy. NAY: Hotchkiss, Dufford. ABSTAIN: None. ABSENT: Robnett.

30. Consider an ordinance on second reading for the annexation of a 5.23-acre tract of land 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9376.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9376 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

31. Consider an ordinance on second reading on the initial zoning of annexed land to AE, Agricultural Estates District on a 5.23-acre tract of land 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9377.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9377 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

32. Consider an ordinance on second reading on request by Dale Callen, Jr. for a Special Exception to the Zoning Code concerning the maximum size of an accessory structure 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9378.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9378 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

33. Consider an ordinance on second reading on request by City of Midland for a vacation of the 0.55-acre portion of the right-of-way of N. Baird Street 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9379.
Council Member Love moved to approve the second and final reading of Ordinance No. 9379 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.

Consider an ordinance on second reading on a request by Concho Resources, for the vacation of the 20-foot alley right of way generally located approximately 170 feet east of North Carrizo Street, between West Michigan Avenue and West 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9380.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9380 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. NAY: None. ABSTAIN: Robnett. ABSENT: None.

Consider an ordinance on second reading on a request by Jatin Patel for a vacation of the 0.138-acre alley right-of-way 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9381.

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

Consider an ordinance on second reading 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9382.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9382 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Mr. Harrington reported that if more than 60 percent of a billboard is destroyed it cannot be replaced; however, there is an appeal process.

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

Consider an ordinance on second reading 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. (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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9383.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9383 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.

38. Consider an ordinance on second reading establishing truck routes for the City of Midland, Texas, and restricting certain vehicles from using certain streets and authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations. (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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9384.

Council Member Love moved to approve the second and final reading of Ordinance No. 9384 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.

PUBLIC HEARINGS

39. At approximately 10:30 A.M. hold a public hearing regarding a proposed Oil and Gas Permit to Callon Petroleum Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 PSA1 #1H) generally located on the west side of Golden Gate Drive, approximately 2,140-feet south of extension of Mockingbird Lane. (This is a public hearing only. No action will be taken.) (DEVELOPMENT SERVICES)

Council Member Lacy reported he would abstain on Agenda Item numbers 39 and 40.

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting this is the first of two wells. No letters of objection have been received. Both wells will be sharing the same drill pad and are located next to an existing well. Callon owns the surface and has requested a landscape and irrigation variance for 12 months.
Mayor Morales opened the public hearing at 11:21 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

40. At approximately 10:33 A.M. hold a public hearing regarding a proposed Oil and Gas Permit to Callon Petroleum Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 PSA1 #2SH) generally located on the west side of Golden Gate Drive, approximately 2,140-feet south of extension of Mockingbird Lane. (This is a public hearing only. No action will be taken.) (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting this is the second of two wells sharing same the same pad. This item is the same as the last one presented.

Mayor Morales opened the public hearing at 11:22 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

41. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by Lockridge Outdoor Advertising, LLC c/o Wicca Wisdom On Appeal for a Specific Use Permit with Term for a Billboard generally located southeast of the intersection of North Big Spring Street and West Oak Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9387
AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS THE WEST 100 FEET OF THE SOUTH HALF OF BLOCK 16, LOMA LINDA ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST OAK 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 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 an appeal from a Planning & Zoning decision. The applicant is proposing to install a billboard. It is not close to residential properties and did meet the requirements of the immediate past sign ordinance that was in place at the time of the application.

Mayor Pro Tem Love opened the public hearing at 11:25 a.m.

Tony Lockridge, Austin, reported that when this item was discussed at Planning & Zoning the conversation was about the placement near an intersection. He referenced other locations throughout town that were by intersections. He noted this sign is a static sign and not an electronic billboard.

There being no one else wishing to speak, the public hearing was closed at 11:27 a.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9387.
Council Member Sparks moved to defer this item to the second meeting in February; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: Morales. ABSENT: None.

At approximately 10:39 A.M. hold a public hearing and consider an ordinance on a request by Lockridge Outdoor Advertising, LLC / J.E. Mendez, MD PA On Appeal for a Specific Use Permit with Term for a Billboard generally located southwest of the intersection of North Big Spring Street and West Shandon Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9388
AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS 1 AND 2 OF THE EAST 100 FEET OF BLOCK 4, KELVIEW HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST SHANDON 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 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 reported this request is an appeal for a Special Use Permit. He reported this item did not comply with the City ordinance in effect at the time of the application because it does not meet the 1,000 feet spacing requirement. The item was denied by Planning and Zoning. One letter of objection was received.

Council Member Hotchkiss reported there is a lot of public outcry on this item where surrounding businesses feel it will negatively impact their businesses.

Mayor Morales opened the public hearing at 11:33 a.m.

Deborah Morris, 3108 Loma, objected to the billboard because she thought it was a child safety endangerment being near a crosswalk, had concern for the utility lines in the area, expressed concern for the type of advertising that could be used and wondered who would benefit from a billboard in that area. She asked Council to not approve the billboard.

There being no one else wishing to speak, the public hearing was closed at 11:39 a.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9388.

The item died for the lack of a motion.

At approximately 10:42 A.M. hold a public hearing and consider an ordinance on a request by Lamar Advertising/Union Pacific for a Specific Use Permit with Term for a Billboard on Union Pacific Railroad right-of-way, generally located on the south side of West Front Street, approximately 75-feet southeast of South “B” Street. (DEVELOPMENT SERVICES)
ORDINANCE NO. 9389
AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LATITUDE 31.99248 AND LONGITUDE -102.08063 OUT OF SECTION 34, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST FRONT STREET, APPROXIMATELY 75 FEET SOUTHEAST OF SOUTH B 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 this is a Lamar Advertising request for a billboard located on Union Pacific Railroad property. The applicant is proposing to replace a damaged sign. It met all requirements at the time of the application. No objections were received and Planning & Zoning recommended approval.

Mayor Morales opened the public hearing at 11:45 a.m.

Chris Stokes, Lamar Advertising, reported he lost a side by side billboard in a windstorm. The old signs were non-conforming. The new signs are 11 x 22 retro poster signs which are very popular with community organizations. He has letters of support from both chambers and the locations were approved by Planning & Zoning.

There being no one else wishing to speak, the public hearing was closed at 11:51 a.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9389.

Council Member Love moved approval of the first of two readings of Ordinance No. 9389 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. NAY: Hotchkiss, Dufford, Robnett. ABSTAIN: None. ABSENT: None.

44. At approximately 10:45 A.M. hold a public hearing and consider an ordinance on a request by Lamar Advertising/Union Pacific #3 for a Specific Use Permit with Term for a Billboard on Union Pacific Railroad right-of-way, generally located on the south side of West Front Street, approximately 180-feet southwest of South “L” Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9390
AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LATITUDE 31.98714 AND LONGITUDE -102.09102 OUT OF SECTION 34, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST FRONT STREET, APPROXIMATELY 180 FEET SOUTHWEST OF SOUTH L 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 this will replace billboards destroyed by a storm. It met all requirements of the ordinance at the time of the request and Planning & Zoning recommended approval.

Mayor Morales opened the public hearing at 11:54 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. 9390.

Council Member Love moved approval of the first of two readings of Ordinance No. 9390 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Mayor Morales noted he will be voting against this sign because, in this instance, there are already plenty of billboards in the area.

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

At approximately 10:48 A.M. hold a public hearing and consider an ordinance on a request by Jose A. Hernandez dba Hacienda Vieja for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant generally located on the north side of West Michigan Avenue, southwest of Andrews Highway. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9391
AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,738 SQUARE FOOT PORTION OF LOT 2, BLOCK 11, GARDENS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST MICHIGAN AVENUE, AND SOUTHWEST OF ANDREWS HIGHWAY), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, IN PART, AND PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT, IN PART, 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 is a request for an alcoholic beverage permit. The applicant is proposing to put in a new Mexican food restaurant with a seating capacity of 214 seats. Their permit hours will be Sunday through Thursday from 11:00 a.m. to 10:00 p.m. and Friday through Saturday from 11:00 a.m. to 11:00 p.m. One letter of objection was received. Planning & Zoning recommended approval and staff concurs.
Mayor Morales opened the public hearing at 12:01 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. 9391.

Council Member Love moved approval of the first of two readings of Ordinance No. 9391 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 10:51 A.M. hold a public hearing and consider an ordinance on a request by Drue Ross for a Special Exception to the Zoning Code concerning the side yard setback requirements generally located southwest of the intersection of West Cuthbert Avenue and North “D” Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9392
AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 6, BLOCK 27, HIGH SCHOOL ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST CUTHBERT AVENUE AND NORTH D STREET), BY PERMITTING AN ENCRYCHAMENT INTO THE REQUIRED SIDE YARD SETBACK FOR AN ADDITION TO A DWELLING; 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 the applicant started his project without obtaining a building permit. He is requesting to place a structure on the property line without any set back. Staff found no existing hardships and feels approving this item would set a bad precedent.

Building Official Steve Thorpe reported this is construction on top of an existing masonry fence with the north cinderblock fence being one of the room’s walls. The applicant hired framers and the room is already framed it.

It was noted that on occasion buildings have been constructed without a building permit and the owners have been forced to tear them down.

Mayor Morales opened the public hearing at 12:11 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. 9392.

Council Member Hotchkiss moved to deny an ordinance on a request by Drue Ross for a Special Exception to the Zoning Code concerning the side yard setback requirements, on Lot 6, Block 27, High School Addition, City and County of Midland, Texas. (Generally located southwest of the intersection of West Cuthbert Avenue and North “D” Street.); seconded by Council Member Lacy. The motion to deny carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.
At approximately 10:54 A.M. hold a public hearing and consider an ordinance on a request by Midessa Homes for a zone change generally located on the east side of Todd Drive, approximately 0.75-miles south of East Loop 250 North. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9393

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 57.76-ACRE TRACT OF LAND OUT OF SECTION 29, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A CE, COUNTRY ESTATE DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF TODD DRIVE, 0.75 MILES SOUTH OF EAST LOOP 250 NORTH); 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 by David Diaz from Midessa Homes to develop a property into 33 proposed lots. Planning & Zoning recommended approval and no letters of objection have been received. This item addresses the zoning of the property.

Mayor Morales opened the public hearing at 12:15 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. 9393.

Council Member Love moved approval of the first of two readings of Ordinance No. 9393 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.

At approximately 10:57 A.M. hold a public hearing and consider an ordinance on a request by Lamar Advertising 8543 for a zone change generally located on the west side of North Highway 349, approximately 500-feet northwest of Arapahoe Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9394

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, GREEN ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR AN INDUSTRIAL DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH HIGHWAY 349, APPROXIMATELY 500 FEET NORTHWEST OF ARAPAHOE ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is proposing to install a billboard on the property and wants to
accomplish this through a zone change. Staff feels this case could set a precedent that they do not want to set and recommends denial. Planning & Zoning recommended approval by a vote of 4-2. He clarified that a request for a zone change is being sought because the current zoning is AE which does not allow billboards.

Mayor Morales opened the public hearing at 12:20 p.m.

Chris Stokes, Lamar Advertising, reported that to the north is a large Oncor Power Station, to the south is an industrial park, and a cemetery is located across the street. He took billboards down within a mile of the location in 2014.

Mr. Harrington clarified this is not a Specific Use Permit.

There being no one else wishing to speak, the public hearing was closed at 12:25 p.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9394.

The item died due to the lack of a motion.

Mayor Morales recessed the meeting for lunch noting they would return no sooner than 1:15 p.m. The meeting was reconvened at 1:15 p.m. with all Council Members present.

49. At approximately 11:00 A.M. hold a public hearing and consider an ordinance on a request by MacDonald Companies for an approval of an Apartment Site Plan generally located southwest of the intersection of Antelope Trail and Cholla Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9395
AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 1, BLOCK 2, SOUTHWEST CROSSING ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF ANTELOPE TRAIL AND CHOLLA ROAD); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting the application is to rezone property for a multi-family district. There will be eleven buildings and no issues from a traffic standpoint. Because this has increased density, Planning & Zoning asked the developer to include more. As a result the applicant agreed to construct a dog park and a playground. Planning & Zoning recommended approval with the additional amenities.

When asked if affordable housing was considered, Mr. Harrington noted it was not requested.

Mayor Morales opened the public hearing at 1:19 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. 9395.

Council Member Sparks moved approval of the first of two readings of Ordinance No.
At approximately 11:03 A.M. hold a public hearing and consider an ordinance on a request by Pillar Income Asset Management for approval of an Apartment Site Plan generally located on the west side of Tradewinds Boulevard, approximately 1,500 feet north of West Business I-20. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9396
AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 1C, BLOCK 4, GATEWAY PLAZA ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF TRADEWINDS BOULEVARD, APPROXIMATELY 1,500 FEET NORTH OF WEST BUSINESS INTERSTATE 20); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is adding four buildings for the second phase of their development. No new amenities will be included but they will have access to the first phase amenities. Planning & Zoning recommended approval and staff concurs.

Mayor Morales opened the public hearing at 1:22 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. 9396.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9396 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.

At approximately 11:06 A.M. hold a public hearing and consider an ordinance on a request by Simon Property Group for a zone change generally located southwest of the intersection of West Loop 250 North and North Midkiff Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9397
AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1R, BLOCK 17, SKYLINE TERRACE ADDITION, UNIT 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST LOOP 250 NORTH AND NORTH MIDKIFF ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION
Development Services Director Chuck Harrington gave a brief overview of the item noting Planning & Zoning recommended approval and staff concurs.

Mayor Morales opened the public hearing at 1:24 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. 9397.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9397 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 11:09 A.M. hold a public hearing and consider an ordinance on a City-initiated street name change from Coyote Drive to Cowboy Drive generally located approximately 1,500-feet east of North State Highway 349, east end of Maverick Lane. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9398
AN ORDINANCE CHANGING THE NAME OF COYOTE DRIVE, ADJACENT TO LOTS 25 THROUGH 49, BLOCK 5, LONE STAR TRAILS ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALY LOCATED APPROXIMATELY 1,500 FEET EAST OF NORTH STATE HIGHWAY 349, AT THE EAST END OF MAVERICK LANE), TO “COWBOY DRIVE”; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND DIRECTING THE CITY SECRETARY TO SEND THE MIDLAND EMERGENCY COMMUNICATIONS DISTRICT A CERTIFIED COPY OF THIS ORDINANCE

Development Services Director Chuck Harrington gave a brief overview of the item noting there are two roads with similar names: Coyote Drive and Coyote Trail. Staff is proposing to change Coyote Drive to Cowboy Drive. No residences are located on the street and letters have been sent to all vacant property owners.

Mayor Morales opened the public hearing at 1:27 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. 9398.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9398 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.

At approximately 11:12 A.M. hold a public hearing and consider an ordinance on a request by David Nix for a Special Exception to the Zoning Code concerning the side yard setback requirements generally located southeast of the intersection of West Illinois Avenue and Stonybrook Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9399
AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1, BLOCK 114, WILSHIRE PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS
(GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST ILLINOIS AVENUE AND STONYBROOK AVENUE), BY PERMITTING AN ENCROACHMENT INTO THE REQUIRED SIDE YARD SETBACK FOR TWO ACCESSORY STRUCTURES; 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 the applicant is proposing to build two permanent steel structures without building permits because he did not think they were required. The buildings are encroaching into the public right-of-way. Staff recommends denial.

Mayor Morales opened the public hearing at 1:30 p.m.

David Nix, 4827 W. Wall, reported he did not get a building permit because his contractor said he did not need one. He indicated he already had a right-of-way permit. He has signatures from 21 neighbors stating they are okay with this. He already has a fence around this area.

There being no one else wishing to speak, the public hearing was closed at 1:40 p.m.

Building Official Steve Thorpe expressed concern for run-off from the roof onto the public right-of-way and noted that the walls of the structure could be enclosed in the future.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9399.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9399 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

City Manager Courtney Sharp reported when the right-of-way permit was issued it was for a fence only and was never intended for a permanent structure to be placed in the right-of-way. First Assistant City Attorney John Ohnemiller confirmed it would increase exposure for a structure that the City does not maintain or control.

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

54. At approximately 11:15 A.M. hold a public hearing and consider an ordinance on a request by Lockridge Outdoor Advertising, LLC / Cliff Rowe On Appeal for a Specific Use Permit with Term for a Billboard generally located on the south side of West Interstate Highway 20, approximately 1,600-feet east of South Loop 250 West. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9400
AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 2.86-ACRE TRACT OF LAND LOCATED IN SECTION 7, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST INTERSTATE
HIGHWAY 20, APPROXIMATELY 1,600 FEET EAST OF SOUTH LOOP 250 WEST), 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 this item was on appeal from Planning & Zoning. Originally it was determined that there was a SUP on the adjoining property that would prevent this SUP from being granted. The adjacent property SUP has expired and the applicant is now appealing that decision because the circumstances have changed. They now meet the requirements.

Mayor Morales opened the public hearing at 1:47 p.m.

Tony Lockridge, Austin, reported previously Council was supportive of locations near the interstate. He acknowledged many of his applications have been deferred until February and asked Council to approve this item without deferring it.

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. 9400.

Council Member Lacy moved to defer this item to the second meeting in February; 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 11:18 A.M. hold a public hearing and consider an ordinance on a request by Lamar Advertising 9202 on appeal for a zone change generally located northeast of the intersection of North Highway 349 and Arapahoe Road.

(DEVELOPMENT SERVICES)

ORDINANCE NO. 9401

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 17, 349 RANCH ESTATES ADDITION, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN INDUSTRIAL DISTRICT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF NORTH HIGHWAY 349 AND ARAPAHOE ROAD); CONTAINING A CUMULATIVE Clause; CONTAINING A SAVINGS AND SEVERABILITY Clause; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Chuck Harrington gave a brief overview of the item noting this request is similar to the one heard earlier noting the applicants intends to use a PD District to place a billboard on the property. For reasons discussed earlier, staff opposes this item. Planning & Zoning denied this item by a vote of 3-3.
Mayor Pro Tem Love opened the public hearing at 1:53 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. 9401.

The item died due to the lack of a motion.

56. At approximately 11:21 A.M. hold a public hearing and consider an ordinance on a request by Lamar Advertising/Union Pacific #2 On Appeal for a Specific Use Permit with Term for a Billboard on Union Pacific Railroad right-of-way generally located on the south side of West Front Street, approximately 190 feet southwest of South “G” Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9402
AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LATITUDE 31.98962 AND LONGITUDE -102.08630 OUT OF SECTION 34, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST FRONT STREET, APPROXIMATELY 190 FEET SOUTHWEST OF SOUTH G 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 this is another Lamar Advertising request on Union Pacific Railroad property. One letter of objection has been received. Planning & Zoning recommended denial.

Mayor Morales opened the public hearing at 1:56 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. 9402.

Council Member Love moved approval of the first of two readings of Ordinance No. 9402 in accordance with the Charter of the City of Midland. The motion died for the lack of a second.

MISCELLANEOUS

57. Consider an ordinance making certain transfers in various funds of the 2013-2014 Fiscal Year Budget and making certain budget amendments. (FINANCE)

ORDINANCE NO. 9403
AN ORDINANCE MAKING CERTAIN TRANSFERS IN VARIOUS FUNDS OF THE 2013-2014 FISCAL YEAR BUDGET AND MAKING CERTAIN BUDGET AMENDMENTS; AND ORDERING RECORDATION
Finance Director Pam Simecka gave a brief overview of the item noting they are finalizing their financial numbers for Fiscal Year 2014. Staff is requesting budget amendments to pay for expenditures that were not budgeted.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9403.

Council Member Love moved approval of the first of two readings of Ordinance No. 9403 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.

58. Consider a motion approving a proposed preliminary plat of Diaz Acres generally located on the east side of Todd Drive, approximately 0.75-miles south of East Loop 250 North. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting this is a preliminary plat that requires Council action because it is larger than 25 acres. Planning & Zoning unanimously recommended approval. They will be dedicating 75 feet of right-of-way on the east side. They are waiting for approval from Pioneer Natural Resources which may impact some of their lots.

David Diaz, 5101 Sherwood, reported he is close to an agreement with Pioneer. He is waiting for the final meeting with the right people. He was initially told the City ordinance says they need to be 500 feet from an oil well and he is proposing 135 feet.

Council offered to help facilitate, if needed.

When asked how often there are changes between a preliminary and final plat, Mr. Harrington reported there are typically only minor changes. Oil & Gas Compliance Officer Ron Jenkins noted a building permit cannot be issued for structures within 500 feet of an oil well until a variance is obtained.

Ben Sanchez of Schuman Engineering noted they are changing the plat name from Diaz Acres to Vista del Pueblo.

Council Member Lacy moved to approve a motion approving a proposed preliminary plat of Diaz Acres, being a 57.76-acre tract of land out of Section 29, Block 38, T-1-S, T&P R. R. Company Survey, City and County of Midland, Texas. (Generally located on the east side of Todd Drive, approximately 0.75-miles south of East Loop 250 North with the amendment to change the plat name from Diaz Acres to Vista del Pueblo; 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.

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

Mayor Morales noted that the MDC Chair will change at end of month with Brent Hilliard becoming the new Chairperson.
EXECUTIVE SESSION

60. 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: None.

All of the business at hand having been completed, the meeting adjourned at 2:20 p.m.

PASSED AND APPROVED the 27th day of January, 2015.

_________________________________
Jerry F. Morales, Mayor

ATTEST:

_________________________________
Amy M. Turner, City Secretary