

**MIDLAND CITY COUNCIL
MINUTES
January 09, 2018**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on January 09, 2018.

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

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Deputy City Manager Tommy Hudson, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Police Chief Price Robinson, Interim Fire Chief Chip Balzer, Utilities Director Laura Wilson, Administrative Services Director Catherine Clifton, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Services Director Jose Ortiz, Director of Airports Justine Ruff, General Services Director Fred Reyes, Chief Information Officer Willie Resto, Solid Waste Director Morris Williams, Planning Division Manager Jessica Carpenter, Building Official Steve Thorpe, and Public Information Officer Sara Bustilloz.

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., January 09, 2018.

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

Council Members absent: None.

Staff members present at the annex table: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, and Assistant City Manager Robert Patrick.

The Agenda Items were heard in the following order:

Mayor Morales called the meeting to order at __ a.m.

OPENING ITEMS

cto 10:00

1. Invocation - Monsignor Larry J. Droll, Saint Ann's Catholic Church
2. Pledge of Allegiance

PRESENTATIONS

B. m yor crimestoppers

p r de winners joey jolly m yor

Best Lighted - I mo Jr. High

3rd - Peppermint Pl nt tion

2nd - YMC

1st over ll - hillcrest school

Gr nd Prize - Midl nd Memori l Hosp L b

Joey Ndy Cedillo

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Recognition of 2017 Christmas Parade Float Winners
 - b. Presentation of a Proclamation for Crime Stoppers Month

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 4 - 17 excluding 16; 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.

4. Approved a motion approving the following minutes:
 - a. Regular meeting of December 12, 2017
5. Approved a resolution authorizing the City Treasurer to write off as uncollectible certain delinquent accounts for Emergency Medical Services and Health Department

Receivables. (FINANCE)

RESOLUTION NO. 2018 - 001

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

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

RESOLUTION NO. 2018 - 002

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

7. Approved a resolution authorizing the Water, Sewer and Sanitation Write Offs for 2017. (FINANCE)

RESOLUTION NO. 2018 - 003

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

8. Approved a resolution awarding a contract for the Fiscal Year 2018 Hot-In- Place Recycle Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2018 - 004

RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2018 HOT IN PLACE ASPHALT RECYCLING PROJECT TO THE SOLE BIDDER, CUTLER REPAVING, INC. OF LAWRENCE, KANSAS, AT A TOTAL COST NOT TO EXCEED \$1,442,945.00; AND AUTHORIZING PAYMENT THEREFOR

9. Approved a resolution awarding a contract for the Fiscal Year 2018 Micro-Surfacing Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2018 - 005

RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2018 MICRO-SURFACING PROJECT TO INTERMOUNTAIN SLURRY SEAL, INC. OF NORTH SALT LAKE CITY, UTAH, AT A TOTAL COST OF \$2,082,880.65; AND AUTHORIZING PAYMENT THEREFOR

10. Approved a resolution approving the purchase of one (1) 2018 GapVax MC1311-3S3X Combination Jet/Vac from Lonestar Freightliner Group, LLC through Buyboard contract 521-16 for a total cost of \$385,733.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 006

RESOLUTION APPROVING THE PURCHASE OF ONE (1) 2018 GAPVAX MC1311-3S3X COMBINATION JET/VACUUM UNIT FOR THE GARAGE DIVISION FROM LONESTAR FREIGHTLINER GROUP, LLC, THROUGH BUYBOARD AT A TOTAL COST OF \$385,733.00

Council Member Love moved to approve Consent Agenda items 4 - 17 excluding 16; 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.

11. Approved a resolution approving the purchase of one (1) Tractor Deck Mower from Professional Turf Products, L.P. through Buyboard contract 529-17 for a total cost of \$57,911.56 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 007

RESOLUTION APPROVING THE PURCHASE OF ONE (1) TORO GM4000 TRACTOR DECK MOWER FOR THE GARAGE DIVISION FROM PROFESSIONAL TURF PRODUCTS, L.P., THROUGH BUYBOARD AT A TOTAL COST OF \$57,911.56

12. Approved a resolution approving the purchase of three (3) Utility Service bodies and one (1) Platform body for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 008

RESOLUTION APPROVING THE PURCHASE OF THREE (3) UTILITY SERVICE BODIES AND ONE (1) PLATFORM BODY FOR THE GARAGE DIVISION FROM FABCO INDUSTRIES, LLC, THROUGH BUYBOARD AT A TOTAL COST OF \$77,532.25

13. Approved a resolution approving the purchase of one (1) 3 cubic yard Wheel Loader for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 009

RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) THREE-CUBIC YARD WHEEL LOADER FOR THE GARAGE DIVISION FROM BEARD EQUIPMENT CO., INC., OF MIDLAND, TEXAS, AT A TOTAL COST OF \$142,900.00

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

RESOLUTION NO. 2018 - 010

RESOLUTION AUTHORIZING THE PURCHASE OF AMMUNITION OF ASSORTED TYPES AND IN ASSORTED QUANTITIES FOR THE MIDLAND POLICE DEPARTMENT FROM THE RESPECTIVE LOW BIDDERS, GT DISTRIBUTORS, INC., AND KIESLER POLICE SUPPLY, AT A TOTAL COST OF \$86,786.94

15. Approved a resolution awarding a contract for Pivot Irrigation Systems for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 011

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE AND INSTALLATION OF FOUR PIVOT IRRIGATION SYSTEMS AND PARTS FOR USE AT THE SPRABERRY FARM TO THE SOLE BIDDER, LAMESA IRRIGATION COMPANY, OF LAMESA, TEXAS, AT A TOTAL COST OF \$349,352.74

17. Approved a resolution authorizing and executing a Right-of-Way License between the

City of Midland and RSP Permian, LLC, said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing up to ten (10) oil & gas flowlines, not to exceed six (6) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located within City of Midland property, Sections 1, Block X, H.P. Hilliard Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 013

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND RSP PERMIAN, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, MIDLAND COUNTY, TEXAS

16. Approved a resolution appropriating \$820,415 from the Hotel Motel Fund to the Midland Center Project for the purchase and installation of a Media Mesh Panel and the construction of a Splash Pad Pump Room (COMMUNITY SERVICES)

RESOLUTION NO. 2018 - 012

RESOLUTION AUTHORIZING THE APPROPRIATION OF \$820,415.00 FROM THE HOTEL MOTEL FUND (090) TO THE MIDLAND CENTER PROJECT (800979) FOR THE INSTALLATION OF A MEDIA MESH PANEL AND THE CONSTRUCTION OF A SPLASH PAD PUMP ROOM FOR SAID PROJECT

Sp rks \$295,000 for spl sh p d pump ought p rt of city's pleddge for prk

Council Member Love moved to adopt Resolution No. 2018 - 012; 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

18. Consider an ordinance on second reading on a request by Original Site Ltd, dba Cotton Patch Café for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant on Lot 4A, Block 28, Plantation Hills Section 21, City and County of Midland, Texas. (Generally located on the north side of West Loop 250 North, approximately 505-feet west of North Garfield Street. Council District 1). (DEVELOPMENT SERVICES) (First reading held December 12, 2017)

ORDINANCE NO. 9721

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 4A, BLOCK 28, PLANTATION HILLS, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 505 FEET WEST OF NORTH GARFIELD STREET), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A

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

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9721.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9721 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Hotchkiss easier to follow rules then ask forgiveness.

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

19. Consider an ordinance on second reading on a request by Bill Musar for a Zone Change from PD, Planned District for a Housing Development to PD, Planned District for a Shopping Center on Lot 1 and the south 154.35-feet of Lot 2, Block 162, Wilshire Park Addition, Section 9, City and County of Midland, Texas. (Generally located northwest of the intersection of Beal Parkway and Leisure Drive.) (DEVELOPMENT SERVICES) (First reading held December 12, 2017)

ORDINANCE NO. 9722

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.943-ACRE TRACT OF LAND OUT OF LOTS 1 AND 2, BLOCK 162, WILSHIRE PARK ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF BEAL PARKWAY AND LEISURE 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 Lopez read the caption of Ordinance No. 9722.

Council Member Love moved to approve the second and final reading of Ordinance No. 9722 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.

20. Consider an ordinance on second reading on a request by Bill Musar for a Zone Change from PD, Planned District for a Housing Development to PD, Planned District for a Shopping Center, on the south 3.137-acre portion of Lot 1, Block 163; a 0.508-acre vacated portion of Executive Drive Right-of-Way, and the north 2.516-acre portion of Lot 2, Block 162, Wilshire Park Addition, Section 9, City and County of Midland, Texas. (Generally located on the west side of Beal Parkway, approximately 400-feet south of Thomason Drive.) (DEVELOPMENT SERVICES) (First reading held December 12,

2017)

ORDINANCE NO. 9723

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 6.161-ACRE TRACT OF LAND OUT OF BLOCKS 162 AND 163, WILSHIRE PARK ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED ON THE WEST SIDE OF BEAL PARKWAY, APPROXIMATELY 395 FEET SOUTH OF THOMASON 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 Lopez read the caption of Ordinance No. 9723.

Council Member Love moved to approve the second and final reading of Ordinance No. 9723 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

PUBLIC HEARINGS

21. Hold a public hearing and consider an ordinance on a request by Clay Bingham for a Special Exception from Ordinance No. 8288, concerning the rear yard setback, on Lot 21, Block 4, Woodland Park Addition, Section 4, City and County of Midland, Texas. (Generally located northwest of the intersection of Almont Place and Gunnison Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9724

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 21, BLOCK 4, WOODLAND PARK ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF ALMONT PLACE AND GUNNISON DRIVE), BY PERMITTING A REDUCED REAR YARD SETBACK; 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 Lopez read the caption of Ordinance No. 9724.

Development Services Director Chuck Harrington gave a brief overview of the item noting special exception to Planned Development. rear of house constructed pergala over outdoor kitchen without proper review and permitting by City. Normally acceptable but it is a PD and has 10 foot requirement. In violation of requirement. There is no hardship, work done without permit Chuck recommend denial. Sparks who did it? as it appears all that was replaced was wooden fence that was already existing wood fence. Didn't

change fence line. Sparks talked with hoa president and they do not see a problem which is why did not report. Chuck only can go after property owner. normally go after contractor but no permit. Sparks can't see there are a lot of things would not have expected need to get a permit would expect contractor to let him know. Mayor they have deep hole what kind of concerns. Chuck if wasn't in PD could do this it can be zero to property line. Robnett how did we discover?

Hotchkiss this is comment before referring to. Love this Council has got to decide if going to accept projects after fact and bless or send message to COM and developers that we can't do this because this will keep happening if council doesn't do. Lacy made people tear down. Sparks don't think this is the right one to choose. Love don't want to punish homeowner want to get to bottom of who is doing without appropriate permit.

Mayor Morales opened the public hearing at 10:23 a.m.

Clay Bingham 900 Almont Place, ill advised by contractor that did not need permit he takes full responsibility and full blame for not following protocol. Love Council appreciate willingness it's contractors who looking to make profit and just build structures. Robnett in that same conversation dedicate more resources to planning/code enforcement to more quickly process and move things through. Love asked attorney anything send to contractors/developers to not tolerate and could have serious repercussions. Ohnemiller one option is CM or appropriate designee can draft something and provide in writing these are issues run into with contractors/developers not permitting and following order and pursue any legal remedies. Love mailers to water statement communication. Sparks do developers/contractors/subcontractors have to get licensed to work in City. Chuck trade but no general contractors. Sparks asked owner why do you think came up? Clay were having final electrical inspection and when inspector realized not permit on structure then he shut the gate on it. Sparks having electrical inspection he thinks he's doing the right thing. Lacy outside of PD this structure is completely legal. Dufford would have approved if came. Sparks who is GC Lorenzo concrete same folks work done on North Ad by saddle club replaced large portion of brick fence and asked if interested in doing work for them.

Lacy what appropriate fee if gone through process Chuck \$300. John paid fees in connection with special exception and fees already been paid.

There being no one else wishing to speak, the public hearing was closed at 10:29 a.m.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9724 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Steve he will get building permit now to resolve issue.

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

22. Hold a public hearing and consider an ordinance on a request by Texas Roadhouse for a Zone Change from PD, Planned District for a Shopping Center, to an Amended Planned District, on Lot 2E, Block 33, Correction Plat of Northgate Addition, Section 21, City and County of Midland, Texas. (Generally located on the north side of West Loop

250 North, approximately 695-feet west of North Midland Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9725

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2E, BLOCK 33, CORRECTION PLAT NORTHGATE ADDITION, SECTION 21, 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 ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 695 FEET WEST OF NORTH MIDLAND 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 Lopez read the caption of Ordinance No. 9725.

Development Services Director Chuck Harrington gave a brief overview of the item noting TX Roadhouse requesting zone change to expand building permit amend several ordinances expand rest to allow seating and parking for additional 38 customers. Will have adequate parking. requires additional 72 prop 168 far exceeds requirement. Staff reviewed in compliance with comp plan rec approval. 168 includes shared with chick fil a. chuck yes.

Mayor Morales opened the public hearing at 10:32 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9725 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.

Mayor introduced Steve Henry new police chief and welcomed to Midland. glad to be here thank you.

23. Hold a public hearing and consider an ordinance on a request by Texas Roadhouse for a Specific Use Permit with Term, for the sale of all alcoholic beverages, for on-premise consumption, in a restaurant, on Lot, on Lot 2E, Block 33, Correction Plat of Northgate Addition, Section 21, City and county of midland, Texas. (Generally located on the north side of West Loop 250 North, approximately 695-feet west of North Midland Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9726

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 2E, BLOCK 33, CORRECTION PLAT NORTHGATE ADDITION, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 695 FEET WEST OF NORTH MIDLAND DRIVE), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID

PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9726.

Development Services Director Chuck Harrington gave a brief overview of the item noting fu to prev for alcoholic beverages. no changes to hours of operation no scholls or chruches within 300 feet. staff reveiwed no obj rec approval.

Mayor Morales opened the public hearing at 10:34 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9726 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.

24. Hold a public hearing regarding the proposed granting of oil and gas permits to Permian Deep Rock Oil Co., LLC, for the drilling of oil gas wells, being Charger #H145WA located 109 feet from the south line and 1,320 feet from the west line, Charger #H145SS located 109 feet from the south line and 1,350 feet from the west line, Charger #H150LS located 109 feet from the south line and 1,020 feet from the west line and Charger #H150MS located 109 feet from the south line and 1,050 feet from the west line Section 3, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said wells sharing a pad site area that is generally located between 1,082 and 1,412 feet east of South Garfield Street and 326 feet north of West County Road 111.) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting anothther group of wells same type set up as previous 4 wells. will ahve sound wall for light and sound. same 5 variances as prev wells. no loj same site tank battery and enlarging more wlels on same site as previously placed.

Mayor Morales opened the public hearing at 10:37 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

25. Hold a public hearing and consider an ordinance on a request by Zac Garth for a Zone Change from PD, Planned District for a Transition District, to O-1, Office District, on Lot 1, Block 2, Bent Tree Addition, Section 2, City and County of Midland, Texas. (Generally located at the southeast intersection of North Midkiff Road and Bluebird Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9727

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 2, BENT TREE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND BLUEBIRD LANE); 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 Lopez read the caption of Ordinance No. 9727.

Development Services Director Chuck Harrington gave a brief overview of the item noting changing from trans to pd for office ?? replat to two lots with greenbelt vet for new office building. hearing held before p7z some concern expressed about height of buildings in o-1 district which is same as residential 23'2" max ht 2.5 stories. 12/4 p7z met discussed they rec zone change from PD for trans to pd for office center with underlying o-1 with max ht 1.5 for all structures. staff reviewedd feel approval of zone change with o-1 iss proper way and would rec approval of o-1. love o-1 nopt pd o-1. vet lcinic stay. Mayor south of vet center. Love wanting to palt. chuck one lot have to replat to two lots. sparks changing zoning both it will move to pd for transition to office. chuck will be used for real estate office.

Mayor Morales opened the public hearing at 10:40 a.m.

Zac Garth made initial request on behalf of owner that is all one section. also rep keller williams. currently have office ins trip center off of Midkiff and . request of both parties to divide into 4 lots. original client, two back sections and 4th is for rreal estate office. want to maek avail for questions

There being no one else wishing to speak, the public hearing was closed at 10:42 a.m.

Love vet clinic do they have any onsite outdoor animal storage? Chuck probably overnight for animals beign treated not in kennel business. Love liek to have PD to ensure integrity of neighborhood is protected. It should be platted first and then zone change because would take vet out of PD and then put on o-1 but think reason why that particular structure had PD. Chuck transition district it wasn't rip for final dev. Noc omplains on vet clinic. Love defer to Sparks in his district. Sparks his question is vet clinic allowed in o-1. is otudoor kenneling allowed in o-1. Chuck not allowed. Sparks it is play area, concerned about outdoor kenneling where have noise at night future expansion. Sparkss o-1 doesn't allow 2 sttory and does not allow outdoor kenneling so his standpoint don't see its going ot harm neighborhood. Duufford pretty loud corner and mightt have been on counhcil when platted but conern is orig AE it was outside of AE and it was a lot quieter back then which is why put in planned district. Love at corner of two arterial streeets.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9727 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Jeffrey 3206 WS Riddgescourt, concern is formal plat change was not discussed at planning not sure what that means think should be considered. Platting as 4 separate was not talked about at p7z. Zac sketch plat is two on north front and back and two to bottom looking at way property would be utilized take line straight down. Jeffrey does make a difference to understand what the pieces are. second thing is dogs out there because do hear them during day not at night but loud in the morning. Don't know outdoor kenneling or outdoor play. Morales has neighborhood met together? Jeffrey gave info heard two things were going to be done and requirements for fence along wall make sure fence was like other fence on backside. concrete fence. Understood that bottom left area would be left open all along street talking. Mayor propose going forward to set up neighborhood meeting to vet any concerns and keep neighborhood informed to benefit everybody. Love height restriction 21 ft 2 inches. Jeffrey rec to be kept at 1.5 stories. Lacy even if two stories they have to address line of sight issues. Love much rather been platted first and then zone change.

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

MISCELLANEOUS

26. Consider an ordinance on first reading amending fiscal year 2017-2018 Operating Budget. (FINANCE)

ORDINANCE NO. 9728

AN ORDINANCE MAKING CERTAIN AMENDMENTS TO THE 2017-2018 FISCAL YEAR BUDGET FOR MUNICIPAL PURPOSES SO AS TO INCREASE AMOUNTS APPROPRIATED TO CERTAIN FUNDS

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9728.

Pam Simecka amendment to 2018 operating budget wanted to send surplus 4b to sports complex operating fund and at that point estimated 30 M ended up being 31.2 M and so now asking for permission to 1.2 from GF to sports operating.

Council Member Love moved approval of the first of two readings of Ordinance No. 9728 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.

27. Discussion and consideration of all matters incident and related to the issuance and sale of the "City of Midland, Texas, General Obligation Improvement and Refunding Bonds, Series 2018A", including the adoption of an ordinance authorizing the issuance of such bonds and providing for the redemption of the obligations being refunded. (FINANCE)

ORDINANCE NO. 9729

An ordinance authorizing the issuance of "CITY OF MIDLAND, TEXAS, GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 2018A," specifying the terms and features of said bonds; levying

a continuing direct annual ad valorem tax for the payment of said bonds; and resolving other matters incident and related to the issuance, sale, payment and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and a Purchase Agreement, and the approval and distribution of a Preliminary Official Statement and an Official Statement pertaining thereto; and providing an effective date.

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9729.

Pam request permission to issue two series first tax exempt 55.1 M 25 M for road project bond that voters approved and balance for refunding of 2007 CO abnd series 2 bond is portion of 2007 CO that now has to become taxable due to sale of effluent toioneer accordding to IRS reg refunding in seperate series. george wilford financial advisor from hilltop securitty for any questions on issuance. Sparks what happens if doesn't take palce. Sparks since not everything is finalized and pulls out tax exempt does it go back intoo tax exeempt. Pam understand anotehr refunding to get back into tax exempt. paying taxable rates in meantime. Sparks is this not premature until prepared tos ell effluent. Lacy this item is road bond.

Lacy what interest rate. Goerge Wilford Hilltop Securitates, if it would be pleasure of Council have summary book to each might help to walk through entire issuance and address series b specific to new money. Also have a lot fo documents that changed from bond council so summary book address questions. Discussions were held and info pprovided fitch and standard and poors, fitch affirmed AAA rating highest rating entity can achieve. voth premier erating levels emph financial mgmt and reserve positions. The banks both have presence in local community. tab 1 numbers associated tax exempt and taxable savings achieved. series a taxable starts at \$2,613 and moved up to around 60,000. Market was in favor yesterday for price. overall saviings of 14.44%. saved 8.28 M. 2007 multi purpose ttook tax supported savings and those uses only and leveled saving. Reason did taxable issue is sale of treated effluent on contract basis to any entity. That cannot be done and keep tax exempt facility outstandding. Known case since that part of time. The determination was made to give total flexibility with regard to use of sale of treated effluent better to segregate that portion at favorable taxable rates. Give City flexibility going forward with treated effluent instead of constraining future business. A roa ddn water plus refunding. overall effect on wholee issue is 3.25 % effective ratee was 3.69%. nnew money is road bond portion and effective itnerest arte is 3.45% since it runs longer and is signifiacaantly lower. project 4.5% Lacy this brings true savings that allows to do new proejects. 90% of utility done for eyar one and will deliver promise to come in on time and on budget. George avg annual debt services a 1.5 M per year. about 150,000 per year savings with respect to fiirst issue. Remaining pages detailed numbers. Tab 2 graph include weekly index bond rate. favorable time to be iin market. Tab 3 is copy of rating reports from rating agencies. this is both 27 and 28. Love only rating companeis that rate? George those two firms that city requested for quite some time. Moody used to rate but split rating and this was 8-10 years ago decision made unreasonable for not to raise rating and fitch brought on board to city's benefit.

Council Member Lacy moved approval of the first and only reading of Ordinance No. 9729 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.

28. Discussion and consideration of all matters incident and related to the issuance and sale of the "City of Midland, Texas, General Obligation Refunding Bonds, Taxable Series 2018B", including the adoption of an ordinance authorizing the issuance of such bonds and providing for the redemption of the obligations being refunded. (FINANCE)

ORDINANCE NO. 9730

An ordinance authorizing the issuance of "CITY OF MIDLAND, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, TAXABLE SERIES 2018B," specifying the terms and features of said bonds; levying a continuing direct annual ad valorem tax for the payment of said bonds; and resolving other matters incident and related to the issuance, sale, payment and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and a Purchase Agreement, and the approval and distribution of a Preliminary Official Statement and an Official Statement pertaining thereto; and providing an effective date.

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9730.

Pam second series in bond issuance, taxable portion for waste water plant.

Love savings experience interest rate fluctuation. pam yes. amount staying same.

Council Member Sparks moved approval of the first and only reading of Ordinance No. 9730 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.

29. Review the Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption in a nightclub on the property described as being an 8,590-square foot portion of Lot 18, Block 1, Providence Park, Section 2, City and County of Midland, Texas (generally located northwest of the intersection of West Wadley Avenue and North Midkiff Road) and consider a possible motion to direct the Director of Development Services to propose an amendment to said permit to be processed in accordance with the procedures established by Title XI of the City Code and applicable state law. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting next 3 all similar good opportunity to bring back to Council for direction. If council uncomfortable option would be tell to renew and move on or if want amendments can take back through normal public hearing process as fresh permit. trying to do is get direction from Council to see which way you would like to go. First application rock star karaoke no issues, but. Lacy PD has not issue. Love no longer 2-story establishment. Love only see one floor site plan. Yes two levels may have two business plan on lower level? Only asking for rock star karaoke which is second floor. Love how do we move forward. Chuck Happy to furnish to Council have floor plan of original. Love have to come every two years/ chuck every two years but one that CM

could look at. no problems keep operating under normal or have problems bring back. Love any reason not administrative approve. Courtney none on this one, it was these 3 were controversial when first went through and wanted council opportunity to look at. consensus to keep as it.

30. Review the Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption in a lounge on the property described as a 3, 210-square foot portion of Lot 33C, Block 3, Briarwood Addition, Section 16, City and County of Midland, Texas (generally located on Briarwood Avenue, approximately 185-feet west of North Midland Drive) and consider a possible motion to direct the Director of Development Services to propose an amendment to said permit to be processed in accordance with the procedures established by Title XI of the City Code and applicable state law. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting council asked for 6 month review. staff completed review appropriate departments had no concerns including PD.

31. Review the Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption in a nightclub on the property described as Lot 1, Block 2, Bankhead Addition, Section 2, City and County of Midland, Texas (generally located northwest of the intersection of South Midkiff Road and Bankhead Highway) and consider a possible motion to direct the Director of Development Services to propose an amendment to said permit to be processed in accordance with the procedures established by Title XI of the City Code and applicable state law. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting Club Arriba different in fact that concern about police activity at site. Some police activity but overall volume was reduced. Love you will have a little bit at any night club. reduced significantly and police don't have problem. Mayor issues with food. steve still show up. Mayor asked to send letter to owner. Lacy no info on 2017. Council asked 2017 police sent to if have concerns will let staff know.

32. Approved a motion appointing a Mayor Pro Tempore.

Council Member Hotchkiss moved to appoint Spencer Robnett as Mayor Pro Tem; 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.

Mayor thanked Hotchkiss for great job. order new plaque

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

Council Member Lacy moved to appoint Derek Whiting to Zoning Board of Adjustment and Stacy Grosse to City Development Advisory Board; 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 COMMENT

34. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. 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.)

No comments.

EXECUTIVE SESSION

Mayor Morales recessed the meeting to Executive Session at 11:22 a.m.

35. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:
- a. Section 551.087 Deliberate Economic Development Negotiations
 - a.1. Discuss business prospects that the City seeks to have, locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

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

PASSED AND APPROVED the __ day of ____, 2017.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary