

**MIDLAND CITY COUNCIL
MINUTES
January 10, 2017**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on January 10, 2017.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem J.Ross Lacy (District 4), 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 Sharla Hotchkiss (District 3).

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, City Secretary Amy Turner, Police Chief Price Robinson, Fire Chief Robert Isbell, 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, 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 ____ a.m., January 10, 2017.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem J.Ross Lacy (District 4), 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 Sharla Hotchkiss (District 3).

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

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:01

1. Invocation - Pastor Roy Smith, True Lite Christian Fellowship
2. Pledge of Allegiance

PRESENTATIONS

- A: Mayor Morales, Joey Jolly and Andy Cedillo presented Christmas parade float winners: Best lighted band San Jacinto Jr. High Band. Best lighted float: 3rd place YMCA; 2nd place West Texas Long horns; 1st place Midland Memorial Hospital Laboratory. Best Theme Float La Roca the Rock Church
- b: proclamation to Crime Stoppers Sparks
- c Downtown Assoc Cristina Odenborg and Mayor: Mode Communications Best Downtown Partner; Wall Street Lofts best new construction.
3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Recognition of 2016 Christmas Parade Float Winners.
 - b. Presentation of a Proclamation for Crime Stoppers Month.
 - c. Presentation recognizing the 2016 Texas Downtown Association President's Awards winners.

CONSENT AGENDA

- Council Member Lacy moved to approve Consent Agenda items 4 - 20 excluding 15; 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 13, 2016.
 5. Approved a resolution authorizing the City Treasurer to write off as un-collectible certain delinquent accounts for misc receivable and insufficient fund checks. (FINANCE)

RESOLUTION NO. 2017 - 001
RESOLUTION AUTHORIZING THE CITY TREASURER TO WRITE OFF AS
UNCOLLECTIBLE CERTAIN DELINQUENT ACCOUNTS FOR MISCELLANEOUS
ACCOUNTS RECEIVABLE AND INSUFFICIENT FUNDS CHECKS

6. Approved a resolution approving a Request for Proposals for an Oil and Gas Lease located in Section 15, Block 39, T-1-S, T&P R.R. Co. Survey, City and County of

Midland, Texas, for Development Services Department. (Generally Located South of East Loop 250 North and East of North Garfield Street and North of West Wadley Drive and West of North A Street.) (PURCHASING)

RESOLUTION NO. 2017 - 002

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN APPROXIMATELY 337.08-ACRES OUT OF SECTION 15, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF WEST WADLEY AVENUE, EAST OF NORTH GARFIELD STREET, SOUTH OF LOOP 250, AND WEST OF NORTH A STREET); SAID LEASE TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

7. Approved a resolution approving a request for proposals for an oil and gas lease located in Section 14, Block 39, T-1-S, T&P R.R. Co. Survey, City and County of Midland, Texas. (Generally Located South of East Loop 250 North and East of North A Street and North of West Wadley Drive and West of North Lamesa Road. Districts 3 & 2) for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 003

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN APPROXIMATELY 114.37-ACRES OUT OF SECTION 14, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF WEST WADLEY AVENUE, EAST OF NORTH A STREET, SOUTH OF LOOP 250, AND WEST OF NORTH LAMESA ROAD); SAID LEASE TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

8. Approved a resolution approving a Request for Proposals for an Oil and Gas Lease located in Section 22, Block 39, T-1-S, T&P R.R. Co. Survey, City and County of Midland, Texas. (Generally Located South of West Wadley Drive and East of North Garfield Street and North of West Golf Course Road and West of North A Street. District 3) for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 004

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN APPROXIMATELY 68.61-ACRES OUT OF SECTION 22, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF WEST GOLF COURSE ROAD, EAST OF NORTH GARFIELD STREET, SOUTH OF WEST WADLEY AVENUE, AND WEST OF NORTH A STREET); SAID LEASE TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

9. Approved a resolution approving a Request for Proposals for an Oil and Gas Lease located in Section 23, Block 39, T-1-S, T&P R.R. Co. Survey, City and County of Midland, Texas, for the Development Services Department. (Generally Located South of West Wadley Drive and East of North A Street and North of East Golf Course Road and West of North Lamesa Road.) (PURCHASING)

RESOLUTION NO. 2017 - 005

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN APPROXIMATELY 9.11-ACRES OUT OF SECTION 23, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF EAST GOLF COURSE ROAD, EAST OF NORTH A STREET, SOUTH OF WEST WADLEY AVENUE, AND WEST OF NORTH LAMESA ROAD); SAID LEASE TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

10. Approved a resolution approving a Request for Proposals for an Oil and Gas Lease located in Section 26, Block 39, T-1-S, T&P R.R. Co. Survey, City and County of Midland, Texas, for the Development Services Department. (Generally Located North of Illinois Avenue and East of North A Street and South of East Golf Course Road and West of North Lamesa Road.) (PURCHASING)

RESOLUTION NO. 2017 - 006

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN APPROXIMATELY 6.74-ACRES OUT OF SECTION 26, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF ILLINOIS AVENUE, EAST OF NORTH A STREET, SOUTH OF EAST GOLF COURSE ROAD, AND WEST OF NORTH LAMESA ROAD); SAID LEASE TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

11. Approved a resolution awarding a contract for the Fiscal Year 2017 Crack Seal Project for the Engineering Department. (PURCHASING)

RESOLUTION NO. 2017 - 007

RESOLUTION AWARDING A CONTRACT FOR THE 2017 CRACK SEAL PROJECT TO CHAMPION INFRASTRUCTURE LLC OF SALADO, TEXAS, AT A TOTAL COST OF \$363,141.00; AND AUTHORIZING PAYMENT THEREFOR

12. Approved a resolution approving the purchase of six (6) administrative cars, seven (7) full size one-half ($\frac{1}{2}$) ton regular cab pickups and one (1) full size three quarter ($\frac{3}{4}$) ton super cab pickup for the Garage Division. (PURCHASING)

RESOLUTION NO. 2017 - 008

RESOLUTION APPROVING THE PURCHASE OF SIX (6) ADMINISTRATIVE CARS, SEVEN (7) FULL-SIZE ONE-HALF ($\frac{1}{2}$) TON REGULAR CAB PICKUP TRUCKS AND ONE (1) FULL-SIZE THREE-QUARTER ($\frac{3}{4}$) TON SUPER CAB PICKUP TRUCK FOR THE GARAGE DIVISION FROM CALDWELL AUTOMOTIVE PARTNERS, LTD., D/B/A CALDWELL COUNTRY CHEVROLET, OF CALDWELL, TEXAS, AT A TOTAL COST OF \$294,175.00

13. Approved a resolution approving the purchase of thirteen (13) police package sport utility vehicles for the Garage Division. (PURCHASING)

RESOLUTION NO. 2017 - 009

RESOLUTION APPROVING THE PURCHASE OF TWELVE (12) POLICE PACKAGE SPORT UTILITY VEHICLES FOR THE GARAGE DIVISION FROM FREEDOM CHEVROLET, OF DALLAS, TEXAS, AND ONE (1) POLICE PACKAGE SPORT

UTILITY VEHICLE FOR THE GARAGE DIVISION FROM CALDWELL AUTOMOTIVE PARTNERS, LTD., D/B/A CALDWELL COUNTRY CHEVROLET, OF CALDWELL, TEXAS, AT A TOTAL COST OF \$421,725.00

14. Approved a resolution approving the purchase of one thousand (1,000) three (3) cubic yard refuse containers with lids and three hundred (300) three and one-half (3.5) cubic yard refuse containers with lids for the Solid Waste Department. (PURCHASING)

RESOLUTION NO. 2017 - 010

RESOLUTION APPROVING THE PURCHASE ONE THOUSAND (1000) THREE (3) CUBIC YARD REFUSE CONTAINERS WITH LIDS AND THREE HUNDRED (300) THREE AND ONE-HALF (3.5) CUBIC YARD REFUSE CONTAINERS WITH LIDS FROM ROLL OFFS USA, INC., OF DURANT, OKLAHOMA, AT A TOTAL COST OF \$579,200.00

16. Approved a resolution awarding a contract for the purchase and installation of clubhouse flooring in the Security Bank Ballpark at the Scharbauer Sports Complex from Sport Surfaces Distributing, Inc. through The Cooperative Purchasing Network (TCPN) contract #R5224 for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 012

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE AND INSTALLATION OF CLUBHOUSE FLOORING IN THE SECURITY BANK BALLPARK AT THE SCHARBAUER SPORTS COMPLEX WITH SPORTS SURFACES DISTRIBUTING, INC., THROUGH THE COOPERATIVE PURCHASING NETWORK AT A TOTAL COST OF \$62,960.00; AND PROVIDING \$6,000.00 IN CONTINGENCY FUNDING THEREFOR

17. Approved a resolution authorizing the execution of a Professional Services Agreement with Cushman & Wakefield PIREs to provide real estate marketing services to the City of Midland in connection with certain real property described as approximately 49.18 acres of land out of Section 8, Block 40, Township 2 South, T&P RR Co. Survey, Midland County, Texas. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 013

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH CUSHMAN & WAKEFIELD | PIREs TO PROVIDE REAL ESTATE MARKETING SERVICES IN CONNECTION WITH CERTAIN REAL PROPERTY DESCRIBED AS APPROXIMATELY 49.18 ACRES OF LAND OUT OF SECTION 8, BLOCK 40, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

18. Approved a resolution approving the transfer of the Oil and Gas Well Permits and Road Repair Agreements issued to Rust Oil Corporation (Current Operator). The following permits will be transferred to DE Operating LLC: Moss Partnership "9" No. 1, Moss Partnership "9" No. 2, Smith-Hughes "9" Well No. 1, Smith-Hughes "9" Well No. 2. The Moss/ Smith-Hughes permitted wells are located in Section 9 of Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of the extension of North Garfield Street, approximately ½ mile north of Mockingbird Lane.)

(DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 014

RESOLUTION APPROVING THE TRANSFER OF CERTAIN OIL AND GAS WELL PERMITS FROM RUST OIL CORPORATION ("OPERATOR") TO DE OPERATING LLC "TRANSFeree"); AND APPROVING THE TRANSFER OF THE ROAD REPAIR AGREEMENT REGARDING SAID OIL AND GAS WELL PERMITS FROM OPERATOR TO TRANSFeree; THE OIL AND GAS WELLS BEING MOSS PARTNERSHIP "9" WELL NO. 1, MOSS PARTNERSHIP "9" WELL NO. 2, SMITH-HUGHES "9" WELL NO. 1, AND SMITH-HUGHES "9" WELL NO. 2; SAID OIL AND GAS WELLS BEING LOCATED IN SECTION 9, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF THE EXTENSION OF NORTH GARFIELD STREET, APPROXIMATELY ONE HALF MILE NORTH OF MOCKINGBIRD LANE)

19. Approved a resolution authorizing and approving the assignment of previously executed Right-of-Way License between the entity below and the City of Midland: A Right-of-Way License Agreement from Resolution 2013-144, from Rust Oil Corporation, to DE Operating LLC. Regarding crossing City right-of-way, located approximately ¼ mile east of Passage Way in Sections 9 and 10, Block X, HP Hilliard Survey, Midland County, Texas, and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 015

RESOLUTION APPROVING RUST OIL CORPORATION'S ASSIGNMENT OF AN EXISTING RIGHT-OF-WAY LICENSE TO DE OPERATING, LLC, REGARDING CITY-OWNED PROPERTY IN A PORTION OF GARFIELD STREET RIGHT-OF-WAY AND A PORTION OF THE MIDLAND DRAW FLOODWAY LOCATED APPROXIMATELY 1/4 MILE EAST OF PASSAGE WAY IN SECTIONS 9 AND 10, BLOCK "X", H.P. HILLIARD SURVEY, MIDLAND COUNTY, TEXAS

20. Approved a resolution inviting the United States Army Special Operations Command (USASOC) to conduct the Unconventional Warfare Exercise 17 (UWEX 17), in Midland, Texas from March 31, 2017 through April. 24, 2017. (POLICE)

RESOLUTION NO. 2017 - 016

RESOLUTION OF THE CITY OF MIDLAND, TEXAS, INVITING THE UNITED STATES ARMY SPECIAL OPERATIONS COMMAND TO CONDUCT THE UNCONVENTIONAL WARFARE EXERCISE 17 IN MIDLAND, TEXAS, FROM MARCH 31, 2017, THROUGH APRIL 24, 2017

15. Approved a resolution approving the issuance of a Request for Proposals for Cellular Phone Services for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2017 - 011

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR CELLULAR SERVICES; SAID SERVICES WILL PROVIDE VOICE, DATA AND MESSAGING FEATURES FOR CELLULAR DEVICES USED BY CITY PERSONNEL

Lacy pulled what \$240,000 pays for why 78 i phones. CISD course of 2 years provides flip phones and i phones. \$10,000 a month currently for air cards and data cards. this

include hardware. cisd data services but will allow to upgrade phones. city only take free phone. who gets division heads 24/7 on call or approved and budgeted.

Council Member Lacy moved to adopt Resolution No. 2017 - 011; seconded by Council Member Dufford.

Willie Sparks Tiburon Willie used for Tiberon to replace system cannot send text msg to phone it has to use smsp which is network protocol have to pay extra for function but for police personnel. Sparks will be able to send to these phone? Willie yes Resto. operates off of network must be secure.

Saprks they can't send text msg to phone that is not snsp but requesting that tehse have ability to send txt message that is encryped with current system. Sparks other question aircards and mobile wifi. 14 mobile wifi what is difference between aircard and mobile wifi. Showed mobile wifi 5-6 can connect. mobile card plugs into side of computer inside police vehicle to enable one device only to connect. Sprks what is wifi for. Willie rare but in area where no wifi for conference or training and for emergencies. Keep few around for those purposes when need a hot spot. Sparks unlimited data service. when answered you said get unlimited data service because of high email. In his experience getting self service for his employees unlimited is not necessary if only emailing and getting data off internet. only time go over is when daughter uses pandora. Willie can look into it. Saprks so amny more phone may not make difference but want to approach it to see if there is a cost savings and pool minutes. Willie when DIR pricing typically att and sprint best price. smart phone 52.90 with phone and unlimited data per device. Typically will pay 65 or more per month. They look at best price. Love in unlimited data might serve as stop loss if do have individuals going over know what ultimate final cost will be. Lacy thanked happy to have on board.

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

SECOND READINGS

21. Consider an ordinance on second reading on a request by Cuthbert Mansion for a Zone Change from PD, Planned District for a Shopping Center, to LR-1, Local Retail District, on Lot 1A, Block 7, Town and Country Annex, Section 9, City and County of Midland, Texas. (Generally located on the south side of West Cuthbert Avenue, approximately 150-feet east of North Midkiff Road.) (DEVELOPMENT SERVICES) (First reading held on December 13, 2016)

ORDINANCE NO. 9625

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 7, TOWN AND COUNTRY ANNEX, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-1, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST CUTHBERT AVENUE, APPROXIMATELY 150 FEET EAST OF 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

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9625.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9625 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

22. Consider an ordinance on second reading amending Midland City Code Section 6-2-7 in order to require loose animal repeat offenders to be neutered/spayed before being released back to the owner if the offense occurs twice during a three year period. (COMMUNITY SERVICES) (First reading held on December 13, 2016)

ORDINANCE NO. 9626

AN ORDINANCE AMENDING TITLE VI, "POLICE REGULATIONS", CHAPTER 2, "ANIMALS AND FOWL", SECTION 7, "LICENSE AND FEES; ISSUANCE OF TAGS; PENALTIES", SUBSECTION (C), OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO REQUIRE THE NEUTERING OR SPAYING OF A REPEAT ANIMAL-AT-LARGE BEFORE THE OWNER MAY RECLAIM THE IMPOUNDED ANIMAL FROM THE ANIMAL SERVICES DIVISION; CONTAINING A CUMULATIVE CLAUSE AND EXPRESSLY REPEALING ANY ORDINANCE OR PART THEREOF IN CONFLICT WITH THIS ORDINANCE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9626.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9626 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.

23. Consider an ordinance on second reading amending Ordinance Number 8189 which established fees and charges for the City of Midland Community Services Department. (COMMUNITY SERVICES) (First reading held on December 13, 2016)

ORDINANCE NO. 9627

AN ORDINANCE AMENDING THE UNALTERED IMPOUNDMENT FEE OF THE CITY OF MIDLAND COMMUNITY SERVICES DEPARTMENT, ANIMAL SERVICES DIVISION; AND REPEALING PRIOR ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH SAID FEE SET FORTH HEREIN

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9627.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9627 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

PUBLIC HEARINGS

24. Hold a public hearing and consider an ordinance on a request by Basin Burger House for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 1A, Block 29, Homestead Addition, Section 8, City and County of Midland, Texas. (Generally located southwest of the intersection of North Colorado Street and West Louisiana Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9628

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1A, BLOCK 29, HOMESTEAD ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST LOUISIANA AVENUE), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9628.

Development Services Director Chuck Harrington gave a brief overview of the item noting Basin Burger House wishing to expand operation to serve brunch. Requested to go to extended hours all week. P&Z restrict hours to when operate brunch. came forward from p7z and staff that extra hours from 9-12 on Sundays only. Applicant here want to expand to Saturday morning brunch and will ask for a change from that perspective. no issue with sight operating within requirements. no objections from public staff recommends approval of added hours for Sunday only. Lacy they have been operating within hours after p7z. it was brought up during p7z staff said gray area been operating outside of hours.

Mayor Morales opened the public hearing at 10:33 a.m.

Sergio Ariola, 5613 Rio Grande, GM Basin Burger House. currently do brunch sundays from 9-2. when first got permit through city were not planning on doing brunch regular hours 11 to 12. never occurred that had to amend that. not trying to work in gray area it was something unaware of. What to fix situation now. Want to also do brunch on Saturdays also and asked to have those hours included. Lacy this council has set precedent earliest is 10 a.m. stating on record operating out of compliance with SUP required by law to adhere to ordinance. cannot support going any lower than 11 a.m. on Sunday. 10 am mon through sat and 11 am on one on Wadley. Sparks did 11 and let one for 10 a.m. and now everyone wants 10 a.m. Love 10 a.m. don't have problem. recognize

that willing to acknowledge error and want to correct.

There being no one else wishing to speak, the public hearing was closed at 10:36 a.m.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9628 in accordance with the Charter of the City of Midland with amendment to change alcohol service hours from 10 a.m. to midnight seven days a week; seconded by Council Member Love.

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

Robnett make sense to provide applicant on direction of what been approving will help everyone out speed up his process. Chuck have information probably going to have to bring back before Council is set policy.

Lacy can we start enforcing SUP? Chuck one of those things work with CMO and Police chief to see what can do. Morales on what council how soon can see updates. Probably by first meeting in Feb

25. Hold a public hearing and consider an ordinance on a request by THDT Investments, Inc. for a zone change from PD, Planned District for a Shopping Center to an Amended Planned District on Lots 32B1 and 32B2, Block 39, Fairmont Park Addition, Section 48, City and County of Midland, Texas. (Generally located on the east side of W. Loop 250 N and approximately 490-ft. north of Tremont Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9629

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 32B1 AND 32B2, BLOCK 39, FAIRMONT PARK ADDITION, SECTION 48, 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 EAST SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 490 FEET NORTH OF TREMONT 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 Lopez read the caption of Ordinance No. 9629.

Development Services Director Chuck Harrington gave a brief overview of the item noting Carl's Junior and Wienersnitzel site. This project came in found in compliance but database had wrong ordinance no and now trying to go back in and clean up so revised ordinance matches what was built on the ground. conditions applied to site plan and landscape is illustrative to regulations apply to everyone else and sign ordinance will have to be in compliance with reg ord. no objection from applicants owner been cooperative. Love working on something else and found that this was labeled wrong and trying to correct. Not something applicant is initiating. Chuck it was an old ord in database and found during open record request.

Mayor Morales opened the public hearing at 10:44 a.m. There being no one present

wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9629 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.

26. Hold a public hearing and consider an ordinance on a request by Alli Bixler for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 5,141-square foot portion of Lot 1, Block 8, Polo Park Addition, Section 3, City and County of Midland, Texas. (Generally located southeast of the intersection of N. Garfield Street and Castleford Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9630

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 5,141-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH GARFIELD STREET AND CASTLEFORD ROAD), 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. 9630.

Development Services Director Chuck Harrington gave a brief overview of the item noting Brew Street Bakery. Recently approved. had outdoor patio that was never included and would now like to include patio as area where can serve alcohol bev.

Mayor Morales opened the public hearing at 10:46 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9630 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. Hold a public hearing regarding a proposed Oil and Gas Permit to Diamondback E&P LLC (Operator), for a permit to drill an oil & gas well within the City Limits, (Bozeman Unit 803LS) located 306 feet from the south line and 2,145 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County

of Midland, Texas (Generally located 405 feet north of Green Tree Boulevard extension and 2,102 feet east of North Midland Drive). This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting 4 applications from DiamondBack north of Greentree Extension. been to o7g updated cert of ins and updated sound blanket walls using during fracing and completion. four variances similar to previous well?? var perim fence ??10:48. larger pit size one large pit. var 24 hour fracing ; located 2100 feet to east of Midland Drive. also received a letter of objection by Johnson Assoc attorney representing Evans 1 development. 500 ft buffer crosses into for future real estate dev req to move north. 500 foot circle does cross iinto property but no occupied residence or structure. about 34 feet into property. MOrales have visited with Diamondback? Ron received yesterday. Asked if floodway and is moveable they can move it 33 feet. Morales sound barrier how tall. Ron 16 ft during fracing for about 15 days per wells. Mayor 4 wells 15 days each if all goes well. 2 sided walls on south and west sides. Htochkiss what is rational for variance in irrigation and landscaping. Rons urface agreement with landowner and will build suitable to what land owner wants.

Mayor Morales opened the public hearing at 10:52 a.m.

Stan Crawford Johnson and Associates, Houston rep Evans Family who owns property just south. Evans famil has a couple of limited partnerships and other claims in future to develop along greentree area. previous diamondback wells it would have been difficult to move north. four wells to west and 500 foot buffer line does not file green tree right of way. This one has 500 foot line coming into property. Not much to move 100 feet noorth to make it out of requiring to get a variance int he future and ask Council to consider that. Robnett asked if request made to operator. Mr. Croawford present litigation and not gotten variances and felt like needed to preserve objection. Since small accomodation. Morales does Evans family have any development plans in palce today. Mr. Crwarford no.

Marc Dingler, 4505 Bent Tree Trail, on council with Diamondback here in that official capacity. Interesting that Mr. Crawford points out his objection is because we haven't granted him variances as opposed to they have no development. This is field no structures. Have vertical wells in north part of that section and south of that is Evans proeprty. have 14 wells on 3/4 of that section already. The wells to east have already been drilled and completed and their 500 foot circles probalby extended about same distance into their property. Trying to build in same plane and might look like one pad all across section. Don't know what setbacks are from green tree row onto their property. may not be able to build a building there anyway. We just got this yesterday afternoon at 4:30. Lacy everything about application is 100% compliance with current ordinance. Marc yes with exception of waiver. Ask not to move us 34 feet because will move us out of alignment with other wells. will ahve to change shape. Dufford having worked on Ordinance always felt when on structures it is who is there first. Who gets there second will ahve ot get the varaince. Sparks do think it would be helpful for staff to find out if they would be able to put a structure there anyway or if it would be encroaching on City row. what setbacks are from row. If not way a structure can ever be biuilt there moot point. STEve Thorpe don't have current platting. Done rear entry garages in this area and cannot front on Green tree fence along property line alley and at least a 5 foot setback to garage door may not even be a variance to construct

buildings oin that area. Typically how built int his area. Lacy no plat submitted to City of Midland. steve not that he is aware of. Saprks how wide is row? Ron 160. and its 334 feet past he row.

There being no one else wishing to speak, the public hearing was closed at 11:00 a.m.

28. Hold a public hearing regarding a proposed Oil and Gas Permit to Diamondback E&P LLC (Operator), for a permit to drill an oil & gas well within the City limits, (Bozeman Unit 803MS) located 306 feet from the south line and 2,175 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 405 feet north of Green Tree Boulevard extension and 2,132 feet east of North Midland Drive). This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Ron Jenkins same info.

Mayor Morales opened the public hearing at 11:01 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

29. Hold a public hearing regarding a proposed Oil and Gas Permit to Diamondback E&P LLC (Operator), for a permit to drill an oil & gas well within the City Limits, (Bozeman Unit 803WA) located 306 feet from the south line and 2,115 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 405 feet north of Green Tree Boulevard extension and 2,072 feet east of North Midland Drive). This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Ron Jenkins same info.

Mayor Morales opened the public hearing at 11:02 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

30. Hold a public hearing regarding a proposed Oil and Gas Permit to Diamondback E&P LLC (Operator), for a permit to drill an oil & gas well within the City Limits, (Bozeman Unit 803WB) located 306 feet from the south line and 2,085 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 405 feet north of Green Tree Boulevard extension and 1,976 feet east of North Midland Drive). This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Ron Jenkins same info

Mayor Morales opened the public hearing at 11:03 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

31. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for a vacation of the combined 0.227-acre Service Access, Utility, and Water Line Easement, less the 20-foot Utility Easement along the westernmost property boundary all located in Lot 1, Block 10, Arbor Park Addition, Section 5, City and County of Midland, Texas. (Generally located southwest of the intersection of Sunshine Parkway and Idlewide Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9631

AN ORDINANCE VACATING AND ABANDONING A 0.196-ACRE SERVICE ACCESS AND UTILITY EASEMENT AND A 0.034-ACRE WATER LINE EASEMENT LOCATED IN LOT 1, BLOCK 10, ARBOR PARK ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SUNSHINE PARKWAY AND IDLEWILDE DRIVE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$24,720.30; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9631.

Development Services Director Chuck Harrington gave a brief overview of the item noting Maverick Engineering on behalf of Manner Park. build south of Sunshine parkway. requesting vacate .227 acres water line easement and being replaced in for future housing development project to be build there. replace with standard 15 foot utility easement that will fit their no proeprty. there are utilities in there but will be relocated and included as part of new utility easement that will be put in place. Did receive one loj. Developer pays for relocation. Lacy this doesn't hold much water private property will be fenced in. Spark when they dedicate a new utility easement do you pay them for utility easement. Lacy going to move to waive the fee.

Mayor Morales opened the public hearing at 11:06 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9631 in accordance with the Charter of the City of Midland with amendment to waive \$24,720.30 fee; 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.

32. Hold a public hearing and consider an ordinance on a request by Hutton Team, LLC for a vacation of the 0.046 -acre portion of the alley right-of-way, located between Lots 1-2 and Lot 18, Tract 6, of the Replat of Tracts 5 & 6, Lindsay Acres Addition, City and County of Midland, Texas. (Generally located on the north side of Marlin Avenue, approximately 190-feet west of Rankin Highway.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9632

AN ORDINANCE VACATING AND ABANDONING A 0.046-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 1, 2 AND 18, TRACT 6, REPLAT OF TRACTS 5 & 6, LINDSAY ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF MARLIN AVENUE, APPROXIMATELY 190 FEET WEST OF RANKIN HIGHWAY); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$4,007.52; AND ORDERING RECORDATION BY THE CITY SECRETARY

pulled

33. Hold a public hearing and consider an ordinance on a request by Hutton Team, LLC for a Special Exception from the Zoning Code concerning the side yard setback on Lots 1, 2, and 18, and a 0.046-acre portion of alley right-of-way, out of Tract 6, of the Re-plat of Tracts 5 & 6, Lindsay Acres Addition, City and County of Midland, Texas. (Generally located northwest of the intersection of Rankin Highway and Marlin Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9633

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 1, 2 AND 18, AND A 0.046-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO SAID LOTS, TRACT 6, REPLAT OF TRACTS 5 AND 6, LINDSAY ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF RANKIN HIGHWAY AND MARLIN AVENUE), BY PERMITTING A REDUCED SIDE 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

pulled

34. Hold a public hearing and consider an ordinance on a request by Mac's BBQ & Catering for a Special Exception to the City of Midland Zoning Ordinance Section 11-1-7 concerning parking requirements on lots 1-4; 7 and 8, Block 2, Ball Park Addition, City and County of Midland Texas. (Generally located southwest of the intersection of West Indiana Avenue and Baldwin Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9634

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 1-4, 7 AND 8, BLOCK 2, BALL PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST INDIANA AVENUE AND BALDWIN STREET), BY PERMITTING OFF-SITE PARKING BENEFITTING LOTS 16-18, BLOCK A, GARRETT PLACE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST INDIANA AVENUE, APPROXIMATELY 160 FEET EAST OF CARLTON STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); 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. 9634.

Development Services director Chuck Harrington met with Mac's BBQ and Catering special exception to have off site parking to satisfy parking needs. site is vacant lot at church. applicant applied for a new alcohol beverage sales permit to increase numbers up to 300 total seating including outdoor area. in order to do this had to come up additional parking. worked out agreement with church to create more parking and meet requirements for alcoholic beverage permit. Staff reviewed no local permit. City Council approval. Love who is alcohol permit? Chuck not until City Council until 17. Love have church there and curious to see how

impact Dennis the Menace park. chuck always do but will check all measurements. Robnett is it a paved lot. chuck yes. Morales letters are on file with church. chuck yes. Love orig statment church in support because signed off on parking. Chuck currently do have sup but small area. Robnet do you know what term of agrement between church and applicant what happens if that changes. Chuck if lose that their SUP would no longer be valid.

Mayor Morales opened the public hearing at 11:12 a.m.

WEbb 2400 W Indian regarding agreement church mentioned to them. their growth as church has been blessed. just empty basketball ccourt and never used and would like to turn into parking lot for his growth which would also benefit them. They help financially with cost of parking lot ad they can use on Sundays because they will not be open on Ssunday's. Asked for first right of refusal to buy lot.

There being no one else wishing to speak, the public hearing was closed at 11:14 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9634 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

35. Hold a public hearing and consider a resolution on a request by MODE Communications for approval of a Temporary Land Use Permit for an Event on Lots 1 through 12 and Lots 16, 17, and 18; and a 0.55-acre portion of North Colorado Street right-of-way and a 0.14-acre portion of alley right-of-way, located adjacent to Lots 1 through 12; all out of Block 56, Original Town Addition, City and County of Midland, Texas. (Generally located southwest of the intersection of North Colorado Street and West Texas Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 017

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN OUTDOOR AMUSEMENT EVENT ON LOTS 1-12 AND 16-18, A 0.55-ACRE PORTION OF NORTH COLORADO STREET RIGHT-OF-WAY AND A 0.14-ACRE PORTION OF ALLEY RIGHT-OF-WAY, BOTH LOCATED ADJACENT TO LOTS 1-12, ALL OUT OF BLOCK 56, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST TEXAS AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting Mode Communications next event for downtown mardi gras take plac ein parking lot on Sudnay Feb 25 and Feb 26 and making use colorado 25, 26, 27, 28. kick off with mardi gras parade in aprking lot, gospel brunch sunday, monday simulate antwon rest tues house of bleus. sales of alcohol is propsoed restrooms provided and 2 security ghaurds at all time during event. req to close portion of colorado Thur 23 through Wed 1st to have ttime to take down and put. STaff rec approval does meet goal 2 chapter 7 of comp plan. Love noted started putting comments. Read and understood what you

wrote don't understand what mean how it satisfies that goal. Chuck cultural activities to support downtown.

Mayor Morales opened the public hearing at 11:17 a.m.

Elizabeth McLelland, 1402 Casper, available for any questions. Antwon will be most VIP exclusive night about 100. A lot of social media engagement a lot of factors at that event.

There being no one else wishing to speak, the public hearing was closed at 11:19 a.m.

Council Member Love moved to adopt Resolution No. 2017 - 017; 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.

MISCELLANEOUS

36. Consider an ordinance on first reading amending Fiscal Year 2015-2016 budgets for certain funds. (FINANCE)

ORDINANCE NO. 9635

AN ORDINANCE MAKING CERTAIN AMENDMENTS TO THE 2015-2016 FISCAL YEAR BUDGET SO AS TO INCREASE AMOUNTS APPROPRIATED TO CERTAIN FUNDS

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9635.

Pam Simecka end of year and for minor funds come at year and review expenditures and if need additional budget auth. had 6 funds this year that went over adopted budget most of them in or all adequate fund balance to handle expenditures so all have cash and adequate fund balance to cover.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9635 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

37. Approved a motion appointing a Mayor Pro Tempore.

Council Member Lacy moved to appoint Council Member Hotchkiss as Mayor Pro Tempore; 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.

PUBLIC COMMENT

Azrael Martinez, 410 N. Lames Rd.own barbershop against grain on lamesa houston on side it is not paved and wondering what can do to get it paved. Love asked him to visit with him but can put on project and get in there its a long list. visit . pt of west texas long horns. oent hing struggled with past year is play ins tate wide league agaisnt 72 orjanizaiton. Feel like this are should be part of show friday night lights. struggle getting lights with gmfl or soccer association. other soccer teams they work with over 100 kids int heir organizaiton and would like to get more parks and wondered about process. Mayor working on 4b campaign being publicized he will come visit with organizaiton and how can visit. Third year in this business. Love parking lot is always packed.

no others. meeting adjourned 11:26 a.m.

38. 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.)

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

PASSED AND APPROVED the __ day of ____, 2016.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary