

**MIDLAND CITY COUNCIL
MINUTES
April 12, 2016**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on April 12, 2016.

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 Robert Patrick, 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., April 12, 2016.

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, Assistant City Manager Robert Patrick, and Assistant City Manager Frank Salvato.

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:01 a.m.

1. Invocation - Father Francis, St. Ann's Catholic Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Present Proclamation for National Infant Immunization Week
 - b. Present Proclamation for Fair Housing Month
 - c. Certification Presentation for Miss Midland Princess, Miss Midland PreTeen, Miss Midland Teen and Miss Midland

PUBLIC COMMENT

none.

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.

CONSENT AGENDA

Council Member Robnett moved to approve Consent Agenda items 5 - 19 excluding 7, 11; seconded by Council Member Dufford.

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

5. Approved a motion approving the following minutes:
 - a. Regular meeting of March 22, 2016.
6. Approved a resolution approving an annual master agreement for one hundred (100) 5/8" water meters, five hundred (500) 1" water meters, fifty (50) 1 ½" water meters, fifty (50) 2" water meters, five (5) 3" water meters, five (5) 4" water meters and five (5) 6" water meters for the Municipal Warehouse. (PURCHASING)

RESOLUTION NO. 2016 - 093

RESOLUTION APPROVING THE PURCHASE OF 715 WATER METERS IN VARIOUS SIZES, AT A COST OF \$204,290.55; APPROVING THE PURCHASE OF SAID WATER METERS FROM THE BIDDER PROVIDING THE BEST VALUE TO THE CITY OF MIDLAND INSTEAD OF THE LOW BID, PURSUANT TO TEXAS LOCAL

GOVERNMENT CODE SECTION 252.043; AND ACCEPTING THE CITY MANAGER'S RECOMMENDATION REGARDING BEST VALUE

8. Approved a resolution ratifying emergency repairs to the Paul Davis water line and authorizing payment to TEC Excavation, Inc. in the total amount of \$55,230.00 for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2016 - 095

RESOLUTION RATIFYING AND APPROVING A CONTRACT WITH TEC EXCAVATION, INC. FOR EMERGENCY REPAIRS TO THE PAUL DAVIS WATER LINE IN THE AMOUNT OF \$55,230.00; AND AUTHORIZING PAYMENT

9. Approved a resolution approving specifications and authorizing advertisement for bids for an annual contract for pump and motor maintenance services for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2016 - 096

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR PUMP AND MOTOR MAINTENANCE SERVICES FOR THE UTILITIES DEPARTMENT

10. Approved a resolution approving a professional services agreement with Enprotec/Hibbs & Todd, Inc. for Design, Bidding and Construction Phase Services for Conversion to Liquid Ammonium Sulfate at the Water Purificaion Plant (UTILITIES)

RESOLUTION NO. 2016 - 097

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD, INCORPORATED, FOR ENGINEERING SERVICES FOR THE REPLACEMENT OF THE GAS AMMONIA PURIFICATION SYSTEM WITH A LIQUID AMMONIUM SULFATE PURIFICATION SYSTEM AT THE WATER PURIFICATION PLANT

12. Approved a resolution for Appropriating 10% Promotional Funds. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2016 - 099

RESOLUTION APPROVING THE MIDLAND DEVELOPMENT CORPORATION'S APPROPRIATION OF \$1,075,228.89 FROM THE FISCAL YEAR 2014-2015 BUDGET TO BE USED FOR PROMOTIONAL PURPOSES, AS AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE

13. Approved a resolution for Amendment to the Reimbursable Physician Recruitment Agreement with Midland Memorial Hospital. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2016 - 100

RESOLUTION APPROVING AN AMENDMENT TO THE REIMBURSABLE PHYSICIAN RECRUITMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE MIDLAND COUNTY HOSPITAL DISTRICT D/B/A MIDLAND MEMORIAL HOSPITAL

14. Approved a motion on request by Schumann Engineering Co. Inc. to defer public utility improvements for Vista Del Pueblo, and to waive the corresponding financial security guarantee valued at \$1,031,638.34, an amount equal to the estimated cost of construction. The subject property is generally located on the east side of Todd Drive, approximately 4,400 feet south of East Loop 250 North, in the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)
15. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Trail Ridge Energy Partners II, 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 an gas transportation pipeline, not to exceed eight (8) 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, Section 1, Block X, H.P. Hilliard Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 101

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

16. Approved a resolution authorizing the City Manager to negotiate and acquire any Right-of-Way necessary for public use along Wadley Avenue from State HWY 158 to Callaway Drive, to seek an appraisal, and upon final acceptance of the agreement by City Council to execute any documents, paperwork, titles, deeds, etc. necessary to complete the Right-of-Way acquisition; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 102

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, ANY REAL PROPERTY INTERESTS NECESSARY OR APPROPRIATE, BY ANY INSTRUMENTS OF CONVEYANCE NECESSARY OR APPROPRIATE, FOR THE USE AND BENEFIT OF THE PUBLIC FOR STREET, ROAD, PEDESTRIAN ACCESS, DRAINAGE AND PUBLIC UTILITY PURPOSES, AND FOR ANY OTHER ANCILLARY PUBLIC USE AS IS USUAL AND CUSTOMARY IN CONNECTION THEREWITH AT OR NEAR THE FOLLOWING-DESCRIBED LOCATIONS: FROM A POINT ON STATE HIGHWAY 158 APPROXIMATELY 0.25 MILES SOUTHEAST OF THE INTERSECTION OF STATE HIGHWAY 158 AND NORTH COUNTY ROAD 1247 TO A POINT APPROXIMATELY 600 FEET WEST OF THE INTERSECTION OF WADLEY AVENUE AND CALLAWAY DRIVE; AND FROM A POINT APPROXIMATELY AT THE INTERSECTION OF STATE HIGHWAY 158 AND NORTH COUNTY ROAD 1247 TO A POINT APPROXIMATELY 1,900 FEET WEST OF THE INTERSECTION OF JAL DRAW AND CROWLEY BOULEVARD; AUTHORIZING THE CITY MANAGER TO OBTAIN APPRAISALS, NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS, PURCHASE TITLE INSURANCE POLICIES AND HOLD THE CLOSINGS FOR SAID ACQUISITIONS; AUTHORIZING PAYMENT FOR SAID APPRAISALS, TITLE INSURANCE POLICIES AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY HAS RECORDED, ALL INSTRUMENTS OF CONVEYANCE

7. Approved a resolution approving specifications and authorizing advertisement for request for bids for asbestos abatement at the Midland Center and Midland Chamber of Commerce for the General Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 094

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR ASBESTOS ABATEMENT AT THE MIDLAND CENTER AND THE MIDLAND CHAMBER OF COMMERCE

Sparks wanted to implore associates to rethink whether should be taking down a building where buying out a lease that has 14 years left on it. budgeted 1.7 M In addition with square footage on Option 1 spending less and extra 6000 sf getting will cost \$694 sq ft. not fiscally right thing to do vote against.

Council Member Hotchkiss moved to adopt Resolution No. 2016 - 094; seconded by Council Member Dufford.

Mayor no funding required at this time. Fred correct just going out for bid. Robnett agrees with Sparks another step for eventual demo of chamber and midland center. voting against. hotel/motel receipts still down. Fred the abatement whether demolish or not still recommend because vacant and rec removing forward regardless.

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

11. Approved a resolution authorizing execution of an agreement with Parkhill, Smith & Cooper of Midland, Texas for Professional Engineering and Architectural Services at Midland Airpark Airport and Midland International Air & Space Port, and to begin the Design and Bidding Phases of the Airport Improvement Project described as "Runways 10/28, 16R/34L and Taxiways Rehabilitation (700203-505)" and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2016 - 098

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PARKHILL, SMITH & COOPER, INCORPORATED, FOR PROFESSIONAL ENGINEERING AND ARCHITECTURAL SERVICES AT MIDLAND INTERNATIONAL AIR & SPACE PORT AND MIDLAND AIRPARK AIRPORT, AND TO BEGIN THE DESIGN AND BIDDING PHASES OF THE RUNWAYS 10/28, 16R/34L AND TAXIWAYS REHABILITATION PROJECT; AND APPROPRIATING NECESSARY FUNDS

Love make sure understand. this project described as runway rehab but adding other items as well including a parking lot. Justine. when sent out rfp for professional services and eng there was a list of several project will be doing over five year. this is first project and there will be several over next five years. Love so when see parking lot those will come forward later. Justine yes Council votes on whether to proceed and a project by project basis. Love not committing selves? Justine it says in agreement Council will approve each item as move forward. Only considering first item on list of 17.

Council Member Love moved to adopt Resolution No. 2016 - 098; seconded by Council Member Dufford.

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

17. Approved a resolution granting a 0.17 acre Utility Easement, located in Section 30, Block 39, T-1-S, T&P RR Co Survey, approximately 250 feet west of Midland Drive and 300 feet north of Princeton Avenue, for the purpose of allowing Oncor Electric Delivery Company LLC., to construct and maintain electric lines and any associated facilities; authorizing the execution of said Utility Easement; and ordering recordation by the City Secretary. (City of Midland, Midland County). (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 103

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, AN INSTRUMENT GRANTING A 0.17-ACRE UTILITY EASEMENT AND RIGHT-OF-WAY LOCATED IN LOT 1-D, BLOCK 1, HILLCREST ACRES, SECTION 7, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED APPROXIMATELY 250 FEET WEST OF MIDLAND DRIVE AND APPROXIMATELY 300 FEET NORTH OF PRINCETON AVENUE), TO ONCOR ELECTRIC DELIVERY COMPANY LLC

Council Member Robnett moved to approve Consent Agenda items 5 - 19 excluding 7, 11; seconded by Council Member Dufford.

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

18. Approved a resolution to approve amendments to the Midland Police Department General Orders. (POLICE)

RESOLUTION NO. 2016 - 104

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

Council Member Robnett moved to approve Consent Agenda items 5 - 19 excluding 7, 11; seconded by Council Member Dufford.

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

19. Approved a resolution to accept a FY2016 grant award in the amount of \$156,600 from the Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program and appropriate funds. (POLICE)

RESOLUTION NO. 2016 - 105

RESOLUTION ACCEPTING A FISCAL YEAR 2016 GRANT AWARD FROM THE

SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM IN THE AMOUNT OF \$156,600.00; SAID GRANT WILL BE USED TO ENHANCE AND COORDINATE DRUG CONTROL EFFORTS AMONG FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES; AND APPROPRIATING FUNDS

Council Member Robnett moved to approve Consent Agenda items 5 - 19 excluding 7, 11; seconded by Council Member Dufford.

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

SECOND READINGS

20. Consider an ordinance on second reading on a request by DDC Merritt Monument, Ltd. for a zone change from PD, Planned District for an Office Center, in part, and PD, Planned District for a Shopping Center, in part, to PD, Planned District for a Housing Development, on Lot 2 and the south 20 feet of Lot 1, Block 104A, Wilshire Park Addition, Section 9, City and County of Midland, Texas (Generally located northeast of the intersection of Beal Parkway and Leisure Drive) (DEVELOPMENT SERVICES) (First reading held on March 22, 2015)

ORDINANCE NO. 9545

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2 AND THE SOUTH 20 FEET OF LOT 1, BLOCK 104A, WILSHIRE PARK ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE CENTER, IN PART, AND PD, PLANNED DISTRICT FOR A SHOPPING CENTER, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED NORTHEAST 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 Karla Mata read the caption of Ordinance No. 9545.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9545 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

21. Consider an ordinance on second reading granting to Sharyland Utilities, L.P., its successors and assigns, an electric power franchise to use the present and future streets, alleys, highways, public utility easements, and public ways of the City of Midland, Texas, providing for compensation therefor, providing for an effective date and a term of said franchise, providing for written acceptance of this franchise, providing for the repeal of all existing franchise ordinances to Sharyland Utilities, L.P., its predecessors and assigns, and finding that the meeting at which this ordinance is

passed is open to the public. (CITY MANAGER'S OFFICE) (First reading held on March 22, 2015)

ORDINANCE NO. 9547

AN ORDINANCE GRANTING TO SHARYLAND UTILITIES, L.P., ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, AND PUBLIC WAYS OF THE CITY OF MIDLAND, TEXAS, PROVIDING FOR COMPENSATION THEREFOR, PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE, PROVIDING FOR THE REPEAL OF ALL EXISTING FRANCHISE ORDINANCES TO SHARYLAND UTILITIES, L.P., ITS PREDECESSORS AND ASSIGNS, AND FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9547.

Council Member Sparks moved to approve the second of three readings of Ordinance No. 9547 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

22. Consider an ordinance on second reading amending the Fiscal Year 2015-2016 Budget to provide additional funds to the Sports and Entertainment Association of Midland (SEAM) in the amount of \$100,000. (CITY SECRETARY'S OFFICE) (First reading held on March 22, 2015)

ORDINANCE NO. 9548

AN ORDINANCE AMENDING THE OFFICIAL MUNICIPAL BUDGET FOR FISCAL YEAR 2015-2016 IN ORDER TO PROVIDE ADDITIONAL FUNDS TO THE SPORTS AND ENTERTAINMENT ASSOCIATION OF MIDLAND; THE ADDITIONAL FUNDING PROVIDED TO THE SPORTS AND ENTERTAINMENT ASSOCIATION OF MIDLAND WILL BE USED FOR UPCOMING EVENTS; THE ADDITIONAL FUNDS WILL ALLOW FOR THE PROMOTION OF TOURISM IN THE CITY OF MIDLAND; AND APPROPRIATING FUNDS

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9548.

Council Member Love moved to approve the second and final reading of Ordinance No. 9548 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

23. Consider an ordinance on second reading on a request by Lamar Advertising, on appeal, for a Specific Use Permit, with Term, for a Billboard, on Lot 1, Block 1, Green Acres, City and County of Midland, Texas (Generally located approximately 400-feet north of the intersection of North Highway 349 and Arapahoe Road). (DEVELOPMENT

SERVICES) (First reading held on March 22, 2015)

ORDINANCE NO. 9549

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 1, GREEN ACRES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH HIGHWAY 349, APPROXIMATELY 400 FEET NORTH OF THE INTERSECTION OF NORTH HIGHWAY 349 AND ARAPAHOE ROAD), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR 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

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9549 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9549.

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

24. Consider an ordinance on second reading on a request by Lamar Advertising, on appeal, for a Specific Use Permit, with Term, for a Billboard, on the north 100-feet of the south 400-feet of the west half of Block 2, and the south 75-feet of the north 465-feet of the west half of Block 2, Brookshire Village, First Section, City and County of Midland, Texas (Generally located on the east side of North Big Spring Street, approximately 225-feet north of West Wadley Avenue.) (DEVELOPMENT SERVICES) (First reading held on March 22, 2015)

ORDINANCE NO. 9550

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS THE NORTH 100 FEET OF THE SOUTH 400 FEET OF THE WEST HALF OF BLOCK 2, AND THE SOUTH 75 FEET OF THE NORTH 465 FEET OF THE WEST HALF OF BLOCK 2, BROOKSHIRE VILLAGE, FIRST SECTION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 225 FEET NORTH OF WEST WADLEY 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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9550.

Council Member Sparks moved to approve the second and final reading of Ordinance

No. 9550 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

PUBLIC HEARINGS

25. Hold a public hearing and consider an ordinance on a request by Rankin-Longview Development Partners, LLC for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District on Lot 6A, Block 2, Amaron Addition, Section 6, City and County of Midland, Texas (Generally located on the west side of Rankin Highway, approximately 280-feet south of Wolcott Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9551

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 6A, BLOCK 2, AMARON ADDITION, SECTION 6, 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 WEST SIDE OF RANKIN HIGHWAY, APPROXIMATELY 280 FEET SOUTH OF WOLCOTT AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No.9551.

Development Services Director Chuck Harrington gave a brief overview of the item the request made by Rankin-Longview Development Partners, LLC. Site plan approved with proposed rest now revised and need Council approval. Rest adequate access and meets all requirements. Nothing change on rest of plan and rec approval.

Love is it metal. Chuck if it is its architectural.

Mayor Morales oph 10:28 a.m. cph

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9551 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

26. Hold a public hearing and consider an ordinance on a request by GBB North Texas Beverages, LLC for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 4,116-square foot portion of Lot 27A, Block 46, Skyline Terrace West, Section 8, City and County of Midland, Texas (Generally located approximately 250-feet east of North Midland Drive,

approximately 170-feet north of Raleigh Court.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9552

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4,116-SQUARE FOOT PORTION OF LOT 27A, BLOCK 46, SKYLINE TERRACE WEST, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 250 FEET EAST OF NORTH MIDLAND DRIVE, AND APPROXIMATELY 170 FEET NORTH OF RALEIGH COURT), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9552.

Development Services Director Chuck Harrington gave a brief overview of the item noting existing rest and wanted to clean up a few things on sup. Increase in seating by 3 seats. changing hours of operation. origina 12 noon and now asking m-t from 11 a.m. to 10 p.m. and rest remain same. Staff reviewed nothing to reeval meet requirements rec approval.

Mayor Morales opened the public hearing at 10:30 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. 9552 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

27. Hold a public hearing and consider an ordinance on a request by Midland Wings, Ltd. for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 13A, Block 28, Wydeewood Estates, Section 27, City and County of Midland, Texas (Generally located on the south side of West Wadley Avenue, approximately 240-feet east of Sunburst Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9553

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 13A, BLOCK 28, WYDEWOOD ESTATES, SECTION 27, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 240 FEET EAST OF SUNBURST 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 Karla Mata read the caption of Ordinance No. 9553.

Development Services Director Chuck Harrington gave a brief overview of the item noting request made by Midland ? Limited asking sup amended to go back to rest status. long history started as rest ask sup converted to night club. Love thought failed to meet standard. Sparks failed to meet standard so asked to be changed. Chuck several eyars passed requirment two cert peace 9 am to 2 am every dya of operation. came back asked ffor change to thur-sun. Now asking to go back to restaurant status. been evaluated last several months sales tax receipts and they do meet standards of less than 40% alcohol sales. no schools or churches within 300 feet meet all requirement staf rec approval going back to restarant status. Love any monitoring done if balance changes. Chuck yes get monthly reports.

Morales made significant improvements and now more family atmosphere. Robnett will this include peace officers. Chuck they asked but it is not for staff. Chuck they will come forward asking for reduction because significant operating. John ord has two peace officers Thur thorough Sun from 10 to midnight? yes

Mayor Morales opened the public hearing at 10:34 a.m.

Michael Harper repMidland Wings and ?? owner of Mldland Wings. Kimball Howard 4101 ?? Mihael Harper requesting the sup is restaurant and to waive cert peace officer requirement because primarily is cost \$156,000 a year for those 4 nights. Sales and gross rev decreased now consistently below 40% of alco slaes. They ahve 30 restaurants taken care of business always have extra security for ufc fight never had problem anywhere much less midland. Have push reports for last 4 month and 26 total calls in 4 months. there is 500unit apt complex of 26 calls hangups 911 info and traffic accidents. Both dist sunday afternoon. Situation that they can take care of their business. Beent here 10 years. just put in 700,000 thousand and asked council to wavie cpo requirement. Robnett any other property cpo. no. Sparks all go to 2 a.m. Michael yues. Robnett not any calls related to yru property. Mlchael vicinity calls and odnt' make sense to be attributed to property in last 4 months. Love talka bout security for high profile events like fight nights or superbowl. Owner any time have very large events then they work with sd and pd across state. If feel extra security needed then they add it. Spencer how many per year. owner ufc 1/month big fights 2/3 a year. Robnett don't have a problem and asked for them to come back for second reading when he here. he has follow up questions.

Price Robinson invited forward. Dufford want his take on call report in vicinity. Is it in line with what heard. Price yes two officers and they add more for ufc fihrts. a lot of calls is accidents, check person, subhject stop, traffic stop can't be attributed to themn. Love ntohign glaring like bar fights, shooting. Price 3 distribuances 2 narcotics 9 arrests for public intoxication over a 12 month period. Dufford attirbute that calls haven't happened because cpo out there but willing to give benefit of doubt. Asked john when come back. john if alcohol sales change in violation but if not case with respect to

security its not going to come back in 2 years and may not come back at all but up to CM discretion. Hotchkiss have done somethign recently where asked for 6 monthr eviuew to reasses so could look into that. Robnett not sure if this warrants that. Mayor 700,000 improvement made big difference. Sparks do you look at mix from 10-2? Chuck no monthly sales reports. Sparks probably do act as a bar between 10 and 2.

There being no one else wishing to speak, the public hearing was closed at 10:43 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9553 in accordance with the Charter of the City of Midland with amendment to remove requirment for certified peace officer in section 2f; seconded by Council Member Robnett.

Dufford good will coem before cm need to amend ordinance as presented . Sparks if increase in incidences would like CM to assure himt hat would bring it to Council's attention and can address it at that time. Robnett might be for second reading lacy will ahve questions.

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

28. 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 7, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas. (Generally located on the south side of West Loop 250 North, approximately 220-feet west of North Midkiff Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9554

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 7, BLOCK 17, SKYLINE TERRACE, UNIT 7, 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 SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 220 FEET WEST 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 Karla Mata read the caption of Ordinance No. 9554.

Development Services Director Chuck Harrington gave a brief overview of the item noting made by Tx Roadhouse they are a fmaily of rest proposing to locate new rest in Midland. Recently had pd amendment to add two lots in front. this is first that is proposing to build it says tx roadhouse but bubas. pred birck with blue cedarwood siding and metal awnings meet requirements for materials and height. No access to frontage rd. suf parking prov req is in compliance with req and rec approval. Love geustion does this mean that end of tent sales at the mall? Chuck not a lot of space left for it. Morales what do as far as traffic impact during holidays? Chuck assume traffic eng groups looks at those issues they think about what it looks like. Morales should we increase ingres/egress. Chuck looked at access and it is fine. At this point reviewed

and traffic eng comfortable.

Chuck app rep is in ER with pnemonia and can't make it today.

Mayor Morales opened the public hearing at 10:49 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. 9554 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Spakrs dont' believe that a rest will significantly change. Robnett be careful going forward with rest in parking lot of mall. Consideration if approve others might be behind it. Love there is another lot and another one will come.

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

29. Hold a public hearing and consider an ordinance on a request by DDC Merritt Leisure, Ltd. for a zone change from PD, Planned District for a Housing Development, in part, and PD, Planned District for a Shopping Center, in part, to PD, Planned District for a Housing Development, on Lots 1 and 2, Block 162, and the south 378-feet of Lot 1R, Block 163, 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)

ORDINANCE NO. 9555

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1 AND 2, BLOCK 162, AND THE SOUTH 378 FEET OF LOT 1R, BLOCK 163, WILSHIRE PARK ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, IN PART, AND PD, PLANNED DISTRICT FOR A SHOPPING CENTER, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (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 Karla Mata read the caption of Ordinance No. 9555.

Development Services Director Chuck Harrington gave a brief overview of the item noting senior housing project located adjacnet to loop 250 this is originally done as error in legal descrip and taken opprot to amend site plan. 107 bldgs with 140 units of 8.3 acres. norm requie 2 space but var to 1.25? per unit 175 spaces included covered spaces carports and garages. amenities clubhouse pool. build elv meet req. find no problem with trip gneeration manual. in process of being replatted on lot. staf rec approv. Love support project but parking is what not having to do 2 for 1 because this a senior development do we need to have more handicapped parking or wider parking spaces to accomodate seniors. Chuck yes think would concur and will check. Don't rec

anything less than 10x20 parking spaces because of big vehicles.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9555 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

30. Hold a public hearing and consider an ordinance on a request Donn E. Fizer for a Zone Change from PD, Planned District for an Office Center, in part, and LR-2, Local Retail District, in part, and 1F-2, One-Family Dwelling District, in part, to LR-3, Local Retail District, on Lot 3 less the east 45.84-feet, Lots 4 through 8, Lot 11, and the west 8.8-feet of Lot 12, all out of Block 6, Barberdale Addition, City and County of Midland, Texas (Generally located southeast of the intersection of West Wadley Avenue and North Big Spring Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9556

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 3, LESS THE EAST 45.84 FEET, LOTS 4-8, 11, AND THE WEST 8.8 FEET OF LOT 12, BLOCK 6, BARBERDALE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE CENTER, IN PART, LR-2, LOCAL RETAIL DISTRICT, IN PART, AND 1F-2, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS AN LR-3, LOCAL RETAIL DISTRICT (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST WADLEY AVENUE AND NORTH BIG SPRING STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9556.

Development Services Director Chuck Harrington gave a brief overview of the item noting expl of this item and next. Talking about rezoning an area with cash america nd conv store adjacent. cvs proposing that cash america move to a lot off wadley and cvs will be in in current convenience store and where cash america located. Alley is being requested to be vacated and put a 30 foot alley north south between wadley and Shandon to allow for trash vehciels access. Zoning in overall area matches what is to north and south. Morales CVS bought whole lot and but up to residential? Chuck will isntall an alley between house. STaff rec approval of request. Love when first looked at had concerns because increasing lr3 around area and switching from pd to lr3 if ever leave then anything can be located there. OTher concern is no buffer between lr3 and 1f but that lot right next to house on shandon and would be upset even though put alley in. Would like to see something to protect neighborhood if a high wall. chuck we do have requirement of a wall. Dufford similar with walgreens across street is there not w all. chiuck yes. Chuck similar things bring on zone change or pd have same

requirements in ordinance. Love as Council for this district ensuring do his job to protect neighborhood.

Mayor Morales opened the public hearing at 11:01 a.m.

Matt Pitts work for ___ eng. 578 S Limerick street ?? about separation there will be alley in rear and turns south to go to Shandon will be installing a tall wood fence and all required setback. Height of fence will be 6 foot. Already a large wood fence on residence side and installing one on our side. Love on back of cvs drive through. enter from Shandon and go north to exit. Love Cash America to east on Wdley. Matt yess. platting now and those areas will be new lots. Love applaud for developing sat vacant for a long time. Excited that doing it just want to make sure taking neighborhood into consideration. Matt eh easternmost lots are not part of their dev and will remain a pdoc. Hotchkiss in keeping with protection of Shandon neighborhood can we make that a 7 foot fence to screen the first house. SEcond want to ensure that lighting goes toward their parking lot and not towards residential. Matt no pole light if any lighting on building itself. Sparks think 7 foot brings more attention. Matt separated an extra 30 feet because of alley.

There being no one else wishing to speak, the public hearing was closed at 11:06 a.m.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9556 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

31. Hold a public hearing and consider an ordinance on a request by Donn E. Fizer for a vacation of the 0.087-acre portion of alley right-of-way, located adjacent to Lots 6, 7 & 8, Block 6, Barberdale Addition, City and County of Midland, Texas (Generally located on the east side of North Big Spring Street, approximately 140-feet north of West Shandon Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9557

AN ORDINANCE VACATING AND ABANDONING A 0.087-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 6, BARBERDALE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 140 FEET NORTH OF WEST SHANDON AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$15,176.00; WAIVING THE FEE FOR THE COST OF THE RIGHT-OF-WAY; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9557.

Development Services Director Chuck Harrington gave a brief overview of the item noting proposing to abandon alley that runs east west through portion in exchange for 30 foot alley to go south to Shandon. requested council consider difference they are providing. appraised 15,000 prop provide 30 foot wide acre piece to make connection they give more than what our alley is worth. everyone approved received no objection

from utilities. anything in there they will have to make improvements and relocation. rec approval of this request.

Love does alley will it be on future dedication. Chuck yes.

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

Matt Pltts 578 ?? TN, have copy of preliminary plat working through with City. relocating utilities in alley already worked out most of it. available for questions.

There being no one else wishing to speak, the public hearing was closed at 11:09 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9557 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

32. Hold a public hearing and consider a resolution on a request by Midland Hispanic Chamber of Commerce, for a Temporary Land Use Permit, for a Festival and Concert, on Lot 4, Block 5, Westridge Park Addition, Section 6, City and County of Midland, Texas (Generally located northeast of the intersection of Tradewinds Boulevard and Champions Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 106

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FESTIVAL AND CONCERT ON LOT 4, BLOCK 5, WESTRIDGE PARK ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND CHAMPIONS DRIVE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director gave a brief overview of the item noting Hispanic Chamber of Commerce mex tex location was there last eyar hours 6 12 a.m. fri 11 to 1 am on sat. They have site plan noted music in nw portion direct awayf rom neighborhood adjacnet to west adequate security guards and restrooms staff rec approval. consistence with last year. Love aren't these events allowable by right at stadium. chuck alco sales and live music. Courtney in gneeral cut off at 12 midnight it has to come to council for consideration. Love time, alcohol and live music.

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

Council Member Love moved to adopt Resolution No. 2016 - 106; seconded by Council Member Robnett.

Morales police already worked out> Rachel stone not secure but contacted back in March.

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

33. Hold a public hearing and consider a resolution on a request by San Miguel Arcangel Catholic Church for a Temporary Land Use Permit for a Church Festival on Lot 1A, Block 19, Midland Heights, Section 4, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of West Dakota Avenue and Camp Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 107

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH FESTIVAL ON LOT 1A, BLOCK 19, MIDLAND HEIGHTS ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST DAKOTA AVENUE AND CAMP STREET); 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 request for annual church festival at san migues archangel church festival prop horus 6 12 on fri and 12 12 on sat and 12 1030 on sun. live music and food no also adequate restrooms and security. staff rec approval.

Council Member Love moved to adopt Resolution No. 2016 - 107; seconded by Council Member Dufford.

Mayor Morales opened the public hearing at 11:13 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Love on behalf of san migues wonderful event everyone go.

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

34. Hold a public hearing and consider a resolution to amend the 2014 Community Development Block Grant Program. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 108

RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2015/2016 ACTION PLAN TO THE CITY OF MIDLAND CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT AND HOUSING FUNDS PER AMENDMENT DOCUMENTS ON FILE WITH THE CITY SECRETARY; SAID AMENDMENT TO INCLUDE THE REALLOCATION OF \$82,615.64 AND RELATED BUDGET TRANSFERS; AND A COPY OF SAID AMENDMENT DOCUMENTS SHALL BE ON FILE IN THE CITY SECRETARY'S OFFICE

Isaac gave a brief overview of the item noting rec approve proposed amendment that has been posted for 30 days. no comments were made. subhject reallocation consists of 2014 cloverdale sidewalk 26960.81 2012 contiengency funds and unapprop fund balance aka credits for total 18618.64. like for fund to go to assigned owner occupied construction program and portion to home buyers assistance program.

Mayor Morales opened the public hearing at 11:16 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2016 - 108; seconded by Council Member Sparks.

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

35. Hold a public hearing and consider a resolution on a request by Adrianna Ibarra for a Temporary Land Use Permit for a Church Festival on the 100 Block of North "J" Street, West End Addition, County of Midland, Texas (Generally located on North "J" Street, between West Wall Street and West Texas Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 109

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH FESTIVAL ON THE 100 BLOCK OF NORTH J STREET, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON NORTH J STREET BETWEEN WEST WALL 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 request for a church to close A Street hours are not one that would noirmally dtrigger but because of music birng to Council. 10 a.m. to 4 p.m. will have adequate rest no alco no security.

Mayor Morales opened the public hearing at 11:17 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2016 - 109; seconded by Council Member Sparks.

Love also worthy event do every year and support it.

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

36. 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; Lots 16, 17, and 18; and a 0.32-acre portion of North Colorado Street right-of-way, located adjacent to Lots 1 through 7; 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. 2016 - 110

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN OUTDOOR VISUAL ARTS EVENT ON LOTS 1-12, LOTS 16-18, A 0.32-ACRE PORTION OF NORTH COLORADO STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 1-7, AND A 0.14-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO

LOTS 1-12, 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 Communication kick off event for celebration of the arts proposing projections of artwork on building. Viewing are awith concessions ale of alco bev on both days. 6 restroom 4 security guards on all times. staff rec approval. Love two hours event. chuck yes. Sparks where are they setting up for projection.Closing part of colorado. not sure about proj equip

Mayor Morales opened the public hearing at 11:20 a.m.

Elizabeth Mccullen 908 w wall will be project form truck in middle of viewing area. vivint uses 3 d projections. Have 15 second on vide if like to see. May 5 and 6 9-11 p.m.

There being no one else wishing to speak, the public hearing was closed at 11:21 a.m.

Council Member Love moved to adopt Resolution No. 2016 - 110; seconded by Council Member Robnett.

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

MISCELLANEOUS

EXECUTIVE SESSION

Mayor Morales recessed the meeting to go to Executive Session at 11:23 a.m.

37. 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 ____, 2016.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary