MIDLAND CITY COUNCIL
MINUTES
April 25, 2017

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ___ a.m. on April 25, 2017.

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

Council Members absent: None.

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

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., April 25, 2017.

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

Council Members absent: None.

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

The Agenda Items were heard in the following order:

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

OPENING ITEMS

1. Invocation - Pastor Roy Smith, True Lite Christian Fellowship

2. Pledge of Allegiance

PRESENTATIONS

n ncy young 1585696.50 michelle young

volunteering cross str igt completed by educ tors.

rot ries, mee ls on wheels, misd

63150 volunteer hours 1, 487,814

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

   a. Receive a presentation from the Midland Association of Retired School Personnel regarding volunteer hours for 2016.

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 4 - 13 excluding 5, 10, 11; 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.

4. Approved a motion approving the following minutes:

   a. Regular meeting of April 11, 2017

6. Approved a resolution awarding a contract for the Fiscal Year 2017 Community Development Block Grant (CDBG) Sidewalk Project for the CDBG Division. (PURCHASING)

RESOLUTION NO. 2017 - 109

RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2017 COMMUNITY DEVELOPMENT BLOCK GRANT SIDEWALK PROJECT TO ONYX GENERAL CONTRACTORS, LLC OF MIDLAND, TEXAS, AT A TOTAL COST OF $397,136.00; AND AUTHORIZING PAYMENT THEREFOR

7. Approved a resolution awarding a sole source agreement for Water Meters with

encoders and all associated parts for the Customer Service Division. (PURCHASING)

RESOLUTION NO. 2017 - 110

RESOLUTION APPROVING THE SOLE-SOURCE PURCHASE AGREEMENT FOR NEPTUNE WATER METERS AND ASSOCIATED PARTS FOR THE CUSTOMER SERVICE DIVISION OF THE FINANCE DEPARTMENT FROM HD SUPPLY WATERWORKS, LTD., AT A TOTAL COST NOT TO EXCEED $500,000.00

8. Approved a resolution approving the sole source purchase of sixty-five (65) Self Contained Breathing Apparatus (SCBA) Composite Cylinders and sixty-five (65) SCBA Cylinder Quick Connect Adapters from Casco Industries, Inc. for a total cost of $57,655.00. (PURCHASING)

RESOLUTION NO. 2017 - 111

RESOLUTION APPROVING THE SOLE SOURCE PURCHASE OF SIXTY-FIVE (65) MSA SAFETY, INC., SELF-CONTAINED BREATHING APPARATUS (SCBA) COMPOSITE CYLINDERS AND SIXTY-FIVE (65) MSA SAFETY, INC., SCBA QUICK-CONNECT ADAPTERS FOR THE FIRE DEPARTMENT FROM CASCO INDUSTRIES, INC., AT A TOTAL COST OF $57,655.00

9. Approved a resolution approving the purchase of equipment to outfit twelve (12) police vehicles from Cap Fleet Upfitters through Buyboard contract 524-17 for a total cost of $170,102.97. (PURCHASING)

RESOLUTION NO. 2017 - 112

RESOLUTION APPROVING THE PURCHASE OF EQUIPMENT TO OUTFIT TWELVE (12) POLICE VEHICLES FOR THE GARAGE DIVISION FROM CAP FLEET UPFITTERS, LLC, THROUGH BUYBOARD AT A TOTAL COST OF $170,102.97

12. Approved a resolution authorizing the Chairman of the Midland Development Corporation to negotiate and execute one or more agreements with the City Of Midland, The Texas Department Of Transportation, or other appropriate party, for the expansion of State Highway 349; and providing that Midland Development Corporation funding for said project shall not exceed $1,350,000 In the aggregate. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 114

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE CITY OF MIDLAND FOR THE EXPANSION OF BUSINESS STATE HIGHWAY 349-C, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

13. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Navigator BSG Transportation and Storage, 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 oil transportation pipeline, not to exceed four (4) 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 09, Block 37, T3S, T&P R.R. Co. Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 115

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND NAVIGATOR BSG TRANSPORTATION AND STORAGE, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 9, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

5. Approved a resolution approving the purchase of Trash Compactor Wheels for the Garage Division. (PURCHASING) (*Deferred from April 11, 2017 meeting.)

RESOLUTION NO. 2017 - 087

RESOLUTION AUTHORIZING THE PURCHASE OF FOUR (4) TRASH COMPACTOR WHEELS FOR THE GARAGE DIVISION FROM TERRA COMPACTOR WHEEL CORPORATION, OF SHEBOYGAN, WISCONSIN, AT A TOTAL COST OF $82,760.00

Council Member Lacy moved to adopt Resolution No. 2017 - 087; seconded by Council Member Robnett.

Fred crdit for wheels 6,000 credit wasn't aprt of original amount. if propose letting take wheels pay 76,000 for new wheels. Specially mr sparks keepign wheels and having option of or sell ourselves and close gap dif betweenr etripping and ?? Lacy what cost of every day machien not working, Morris big compactor those are machiens that makemoneya t landfill. Lacy fiscal sense to keep retripped and have spares shut down time is nothing part to fix. sparks would look to having those budgeted for next year to get retipped.

Sparks formt hat standpoint is there a reason that need new wheels as opposed to retripped wheels. Fred in hind set should of put basae bid as retrip and new as add alternate. Looking at pricing way came in is retrip cost difference is about $14,000. Felt advantageous to replace. Morales what kind of life. Fred current about 5 years. normallya bout 4 years. runa bout 2000 hours per year. Love retripped wheel how long? Fred assume same. Morris one thing is actual wheel itself and not itself if retrip wears down so should be less. Sparks certainly life of wheel if get retipped early enough longer life. assume you will be able to leave compactor in service longer by getting new wheels. Morris yes. Having spare wheels will allow us next time to repalce sooner have them retripped without ever going out of service longer than what it take sto change wheels.

Sparks buy new hweles keep old and retrip in enxt eyars budget. rec

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

10. Approved a motion in support of the Safe2Save mobile app to encourage safe driving habits in Midland. (CITY MANAGER'S OFFICE)

Council Member Love moved to adopt Resolution No. NUMBER>; seconded by Council Member Robnett.

what does support mean if no money love. Sara it is to say support as an official

sponsor putting on website and letting it be known that we support. Love no money just on website. ??? publicity for City of Midland. Marc Kimmy brandon

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

11. Approved a resolution authorizing the City of Midland to apply for grant funds from the Texas Department of Transportation Transportation Alternatives Set-Aside Program for downtown pedestrian and bicycle enhancements. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 113

RESOLUTION AUTHORIZING THE SUBMISSION OF A NOMINATION FORM FOR THE TEXAS DEPARTMENT OF TRANSPORTATION'S 2017 TRANSPORTATION ALTERNATIVES SET-ASIDE PROGRAM IN ORDER TO FUND THE CONSTRUCTION OF DOWNTOWN PEDESTRIAN AND BICYCLE INFRASTRUCTURE IMPROVEMENTS ON LORAINE STREET, MAIN STREET, TEXAS AVENUE, AND ILLINOIS AVENUE; SAID PROGRAM PROVIDES FOR A GRANT OF FEDERAL FUNDS ADMINISTERED BY THE TEXAS DEPARTMENT OF TRANSPORTATION UNDER WHICH 80% OF THE COST WOULD BE FUNDED BY FEDERAL FUNDS AND 20% OF THE COST WOULD BE FUNDED BY THE CITY OF MIDLAND

Council Member Dufford moved to adopt Resolution No. 2017 - 113; seconded by Council Member Robnett.

Love wonderful project wanted sstaff ot have tunt to talk. christina odenborg make more ped and biucy friendly main lorrain tx illinois. add bike lanes and construct ?? shorten walkign distance for ped and ada ramps to aloow for acces and change tx av to 2 way st east of main crosswalk and median. very excitited to see come downtonw.

Mike in order ot to do TX have to tear up road.

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

SECOND READINGS

14. Consider an ordinance on second reading on a request by Aces Grill, LLC for Specific Use Permit with Term, for the sale of beer and wine, for on-premises consumption, in a restaurant on a 3,152 square foot portion of Lot 3A, Block 1, Gateway Plaza, Section 9, City and County of Midland, Texas. (Generally located southwest of the intersection of Starboard Drive and Liberty Drive.) (DEVELOPMENT SERVICES) (First reading held on April 11, 2017.)

ORDINANCE NO. 9651

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,152-SQUARE FOOT PORTION OF LOT 3A, BLOCK 1, GATEWAY PLAZA, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF STARBOARD DRIVE AND LIBERTY DRIVE), WHICH IS PRESENTLY ZONED LR-3, LOCAL RETAIL

DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF BEER AND WINE 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. 9651.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9651 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

15. Consider an ordinance on second reading on a request by John George dba The Turn for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 1-F, Block 5, Correction Plat of Colony Place, Section 5, City and County of Midland, Texas. (Generally located on the south side of W. Wadley Avenue, approximately 670-feet east of North Garfield Street.) (DEVELOPMENT SERVICES) (First reading held on April 11, 2017.)

ORDINANCE NO. 9652

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1-F, BLOCK 5, CORRECTION PLAT OF COLONY PLACE, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 670 FEET EAST OF NORTH GARFIELD STREET), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR 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. 9652.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9652 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

16. Consider an ordinance on second reading on a request by Laurence Oeth for a Specific Use Permit, without term, for an accessory building used for living or sleeping quarters, on the west 12.15-feet of Lot 3, and Lot 4, less the west 3-feet, Block 3, Scotsdale

Addition, Section 3, City and County of Midland, Texas. (Generally located on the north side of Cimmaron Avenue, approximately 165-feet east of Mark Lane.) (DEVELOPMENT SERVICES) (First reading held on April 11, 2017.)

ORDINANCE NO. 9653

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS THE WEST 12.15 FEET OF LOT 3, AND LOT 4, LESS THE WEST 3 FEET, BLOCK 3, SCOTSDALE ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF CIMMARON AVENUE, APPROXIMATELY 165 FEET EAST OF MARK LANE), WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR AN ACCESSORY BUILDING TO BE USED FOR LIVING OR SLEEPING QUARTERS; 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. 9653.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9653 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

17. Consider an ordinance on second reading on a request by DR Horton - Texas, Ltd for an annexation of a 120.625-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the west side of Arlington Road, approximately 1800-feet south of State Highway 191.) (DEVELOPMENT SERVICES) (First reading held on April 11, 2017.)

ORDINANCE NO. 9654

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 120.625-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF ARLINGTON ROAD, APPROXIMATELY 1,800 FEET SOUTH OF STATE HIGHWAY 191); AND APPROVING A PUBLIC SERVICE PLAN

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9654.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9654 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

18. Consider an ordinance on second reading on a request by Robert Graham Construction for an annexation of a 35.77-acre tract of land out of Section 35, Block 40, T-1-S, T&P, RR Co. Survey, Midland County, Texas. (Generally located on the north side of Brandy Hill Road, approximately 330-feet east of State Highway 158.) (DEVELOPMENT SERVICES) (First reading held on April 11, 2017.)

ORDINANCE NO. 9655

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 35.77-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BRANDY HILL ROAD, APPROXIMATELY 330 FEET EAST OF STATE HIGHWAY 158); AND APPROVING A PUBLIC SERVICE PLAN

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9655.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9655 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

PUBLIC HEARINGS

19. Hold a public hearing and consider an ordinance on a request by Robert Hey/RARE Hospitality International Inc. for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District on Lot 8, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas. (Generally located on the south side of W. Loop 250 North, approximately 720-feet west of North Midkiff Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9656

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 8, 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 720 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 SueAnn Lopez read the caption of Ordinance No. 9656.

Development Services Director Chuck Harrington gave a brief overview of the item noting asking for change to pd midland park mall last remaining parcel that paltted 2 years ago. prop future dev of longhorn steakhuse. recenttly in 2015 accounted for .

5842 sq ft in rest sufficient parking. circ to all depts and everything fine, minor corrections to plans. r ec approval of requ subject to conditions part of report. no loj.

Mayor Morales opened the public hearing at 10:22 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. 9656 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

20. Hold a public hearing and consider an ordinance on a request by Haley Peck for a Specific Use Permit without Term for a Wireless Communication System on Lot 1-H, Block 5, Correction Plat of Colony Place, Section 5, City and County of Midland, Texas. (Generally located south of West Wadley Avenue and east of North Garfield Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9657

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1-H, BLOCK 5, CORRECTION PLAT OF COLONY PLACE, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST WADLEY AVENUE AND NORTH GARFIELD STREET), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A WIRELESS COMMUNICATION SYSTEM; 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. 9657.

Development Services Director Chuck Harrington gave a brief overvview of the item noting Verizzon wireless prop to repalce upgrade anten on exissting facility on ss of wadley ave. property had prev special permit for exisitn gunit approved in 2001. changes in equipment now requesting remove antenae how encased and added to improve coax cables. only comment to fire dept no upgrade to generator and permitting stationary, rec approv subj to cond a-m llisted.

Mayor Morales opened the public hearing at 10:24 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. 9657 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

21. Hold a public hearing and consider an ordinance on a request by Burger Engineering for a zone change from PD, Planned District for a Shopping Center to an Amended Planned District, on Lot 2D, Block 33, Correction Plat of Northgate Addition, Section 21, City and County of Midland, Texas. (Generally located on the north side of West Loop 250 North, approximately 500-feet west of North Midland Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9658

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2D, BLOCK 33, CORRECTION PLAT OF NORTHGATE ADDITION, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 500 FEET WEST OF NORTH MIDLAND DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9658.

Development Services Director Chuck Harrington gave a brief overview of the item noting amend their pd for site demolish and rebuild a larger chick fil aa on site, increase in sq ft in 1000 sf. ample paarking, improving circulations and lengthening drive thru lane. staf rec approval subj to cond listed in report. no loj received. Lacy mike okay with queing. yes. number o f parking spaces reduced had more than required and improving drive tru. Morales egress going off to loop will not change. Love inf uture can ask aapplicants on amended PD to provide site plan that is a little bit clearer.

Morales others businesses notifiedd. chuck yes.

Mayor Morales opened the public hearing at 10:27 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. 9658 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

22. Hold a public hearing and consider an ordinance on a request by Robert Graham Construction on the initial zoning of annexed land to 1F-1, One-Family Dwelling District, on a 35.77-acre of land out of Section 35, Block 40, T-1-S, T&P, RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of Brandy Hill road, approximately 330-feet east of State Highway 158) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9659

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA

INDICATED AS BEING A 35.77-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS A 1F-1, ONE-FAMILY DWELLING DISTRICT; SAID TRACT IS GENERALLY LOCATED ON THE NORTH SIDE OF BRANDY HILL ROAD, APPROXIMATELY 330 FEET EAST OF STATE HIGHWAY 158; 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. 9659.

Development Services Director Chuck Harrington gave a brief overview of the item noting part of annexation this is initial zoning of prop for grasslands expansion. 1f1 single family will allow 46 lots to be bbuilt. staff reviewed and all approp depts reviewed. app has submitted ap to request special exception to zoning code will noot have rear set back back reduced to 20 feet but seperate item. wrong report happy to answer any questionns.

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 Lacy moved approval of the first of two readings of Ordinance No. 9659 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

23. Hold a public hearing and consider an ordinance on a request by Midland DTP, LLC, for a zone change from PD, Planned District for a Transition District to LR-2, Local Retail District, on Lot 1, Block 2, 349 Ranch Estates, City and County of Midland, Texas. (Generally located southeast of the intersection of North State Highway 349 and Tejas.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 9660

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 2, 349 RANCH ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH STATE HIGHWAY 349 AND TEJAS); 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. 9660.

Development Services Director Chuck Harrington gave a brief overview of the iitem noting change form pd to trans to lr2. prop orig zoned lr2 changed to transs to allow in

1985 landscpaing maint office and workshop never came too fruititon. prior zoned lr2. appli sub prop for retail site 9000 sw ft retail tie in all zoningin seciton to lr2 . all depts reviewed no comment. reviewd p7z no loj.

Mayor Morales opened the public hearing at 10:32 a.m.

Gary Alley 1205 Tejas east of the property in lots 5 and 6. no opposition but cooncern everything done is done in drainage responsibility . any elevation of this lot will create bad floodding in this block and his property. his proeprty already has flooding. 2 subdivisions north have built drainage ditches if this property is elevated it will be bad. morales flood road or his property. Gary that property currently catches the flood. going to ahve to elevate and will coem right down to east down tejas. Salvato Engineering will address before permitting. chuck any development have to submit plans to reetain drainage on their site. their plan shows retention pond to keep oon.

Bob Gage cons for applicant aware of drainage issues and will be in better state after finished. DT?

There being no one else wishing to speak, the public hearing was closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9660 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.

24. Hold a public hearing and consider an ordinance on a request by DR Horton - Texas, Ltd, on the initial zoning of annexed land to 1F-3, One Family Dwelling District, on a 120.625-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the west side of Arlington Road, approximately 1800-feet south of State Highway 191.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9661

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 120.625-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS A 1F-3, ONE-FAMILY DWELLING DISTRICT; SAID TRACT IS GENERALLY LOCATED ON THE WEST SIDE OF ARLINGTON ROAD, APPROXIMATELY 1,800 FEET SOUTH OF STATE HIGHWAY 191; 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. 9661.

Development Services Director Chuck Harrington gave a brief overview of the item noting DR horton extention of legacy initial zoning 1f3 or property in line with other area devleopment. meets comp plan rec approval of initial zoning subject to condition a. Love 1f3 townhomes. chuck reduced lot size.

Mayor Morales opened the public hearing at 10:36 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Sparks how many lots? Chuck over 400.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9661 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

25. Hold a public hearing and consider an ordinance on a request by DR Horton - Texas, Ltd., for approval of a Special Exception to the City of Midland Zoning Ordinance Section 11-1-7 concerning rear yard setbacks for the proposed Legacy Addition, Section 5 Subdivision Plat being a 120.625-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the west side of Arlington Road, approximately 1800-feet south of State Highway 191.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9662

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR 120.625-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF ARLINGTON ROAD, APPROXIMATELY 1,800 FEET SOUTH OF STATE HIGHWAY 191), BY PERMITTING A REDUCED REAR YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9662.

Development Services Director Chuck Harrington gave a brief overviiew of the item noting dr horton requesting reduced setback for 2 story homes under reg 1f3 require 30 ft with no alley. no alleys proposed. ?? 10:38 located east 2 story structures want to cont with way been devleeoping requ special plat. Lacy any line of site issues? Chuck tha tis what setbacks are in palce for no setback requirements in ord esp in commercial. no complaintss in legacy to east. Sparks 1f3 is moost lenient of our requirements small lots to begin with it is a lot of density. Lacy most affordable new housing in Midland which is needed. It was approved ot do 20 ft setbacks on last property. Sparks already have loww density why hire on. Hitchkiss after got on big disucssiona bout those requestss. Morales talked about 1f2 and 1f3 and did give sebacks they would put in green space. Chuck still required to come back with green space and part of hoa. Cchuck in this part casee 1f3 zoning a little different. when lone star trails had breakdown with 1f1 1f2 1f3 mix. straight zoning. Lacy lowest housing inventory in last two years which causes sky marketing prices. going to 180,000 going to need housess. Morales need to ensure residents need ammenities. dufford 20 years down road is what worried about. Sparks asking for exceptiion. Willing to go 1f3 . Morales slike to sit down with them and see if can talk about. sparks now looking for exception to zone

change just put it not sure if willing to ddo that. Love put up preeliminary plat. Talking about exception. Chuck they will need 500 foot radius meeting with oil owners. Lacy what is setback for singlle story 20 feet. Two story requires additionaal when no alley. Some oil wells are not in city limits in county so not permitted. Ron these wells are no permitted wlels with city but will ahve to have variances. worked out differences before bringing to us boht hae footage that comfortable with. they will ahve to get variance for anything less than 500 feet. Lacy what is curent spacing now. ron believe 250. There is no variance for these houses 135 is minimum. What they work out with developer there is no variance needed. Permitted have to have vbar from anyting under 500. In non permitted well is 135 have to maintain. going above that. from well head to closest edge of house.

Mayor Morales opened the public hearing at 10:46 a.m.

Jared Squyres, psc, 1700 W Wall, preface special exception amth works out ends up same setback building to building if did have alleys. Sparks dont' have alleys. Jared keep total distancee the same. Love don't understand. Hotchkiss before 30 feet and alley now dont' ahve alley 20 feet and no alley ameks no sense. Chuck if have alley 20 foot set back 20/20/20 60 feet. when no alley intent was 30/30 gives same 60 feet for same. Hotchkiss but asking for 20 and 20. Love to get more usable lots? Jared reason is just to be consistent with previous phasae of devleopmeent. Asked for special exception on previous phase. Love what phase are you referring? Jared Sections 1-4. previous development 20 foot setback with no alley. that wss planned district this is not. we wont have opportunity with this item. Morales hoa green space? Jared continuing same hoa. prev phase 5 acres set aside for parkland at future time disc with city. left some areas opeen aaround wells and intention is to have as some sort of green space. Morales first phase developed? Jared yes 5 acres. Dufford if recall talked about it was okay to do some of these tthis way but would have to change at some point in time homes degrade end up not that great too many people. and now things icking up in Midland andd time to slow down and rethink developments before getting acrried away with letting happen. Love agree, and agree with Sparks granted zoning of 1f3 addresses need for housing for higheer density think this is too much.

Dufford wanted to addres shosuing concern now going to start seeing mroe of these need to think thru. .

Steve Thorpe single story hoouses will ahve 10 foot setback its only 2 story houses that end up with 30 or 20.

Steve Howard DDr.RR. Horton as to 2 story setback orig ord 20 foot rear fence 20 foot row alley and additional. since no alley just asking to keep 20 foot, preponderence or 1 but osme 2 story. Lacy ohow many? Howard 1/4 or less. Problem def to next meeting? he is good with postponement. Green space 4 years ago to keep 5 acres parcel sitll ahve asked for Midland. Morales what has been done with it. Steve asked to see if city wantss for park not interested at this time vacant looking it into ammenittiy and flush out. Morales need seed aand water.

There being no one else wishing to speak, the public hearing was closed at 10:55 a.m.

Council Member Lacy moved to defer; 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 a resolution on a request by San Miguel Arcángel Catholic Church for a Temporary Land Use Permit for a Church Family Fair on Lot 1A, Block 19, Midland Heights, Section 4, City and County of Midland, Texas. (Generally located southwest of the intersection of W. Dakota Avenue and Camp Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 2017 - 116

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH FAMILY FAIR ON LOT 1A, BLOCK 19, MIDLAND HEIGHTS ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST DAKOTA AVENUE AND CAMP STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Dev svcs dir chuck harrington for annual church festival prop jul 8 12 noon 12 midnight sunday jul 9 12 noon 12:30 aa.m. not include sale of alcohol bev restrooms 5 certifiied peace officer rec approval subj to conditions. no loj.

Mayor Morales opened the public hearing at 10:57 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Robnett moved to adopt Resolution No. 2017 - 116; seconded by Council Member Sparks.

Love doing several years always first class job.

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

MISCELLANEOUS

27. Approved a motion approving a preliminary plat of Grassland Estates West, Section 10, being a 35.77-acre tract of land out of Section 35, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located north of the intersection of Brandy Hill Road and Mosswood Drive). (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting requirements larger 25 acres council approval ext of grasslands west 62 lots been reviewed by all depts comments included will ahve to be addres b4 final plat. rec approval of prel plat subj to cond addressed beign met drainage plan approved.

Council Member Love moved to approve a motion approving a preliminary plat of Grassland Estates West, Section 10, being a 35.77-acre tract of land out of Section 35, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located north of the intersection of Brandy Hill Road and Mosswood Drive).; 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.

28. Approved a motion approving a proposed Preliminary Plat of Legacy Addition, Section 5, being a 120.625-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the west side of Arlington Road, approximately 1780-feet south of State Highway 191 ETJ, Extraterritorial Jurisdiction). (DEVELOPMENT SERVICES)

Council Member Lacydefer; 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

29. 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.)

Cameron Walker, 3802 Mark Ln, resident since 1991. exec director Permian Basin MPO agency responsible prog fed and state fudnign with transpartners. you are one of partners came forward to congrat and thnak for 2 items 11 and 12. Item 12 in aprtners are private devleops MDC city and TxDot to addres important gateway into city going from loop at craddick area and widened improtant safety thanked for addressing. second glad to see your proposal to ask for trans altnerative setasside happy to lend support and will be happy to draft letter of support inelgible to apply odess making similar application. partnerships positive for trnasportaiton.

Bill McNeill 6109 SCR 1182 resident mmidland 66 years. like ot express gratitude to city and council for support of memorial day ride to remember tribute to honor fallen waarriers and heros. 18 years next month 14 yeaars coming thorugh Midland. received email form City a few days after last years ride suggesting change route from wall to andrews to go down Midkiff less itnersections to block. othered was expense brought up of ride. Like to bring attention true cost of ride i5 2 vietname 11:03 a.m. 86 sons of Midland that given lives for this country for that liek to continue ride andrews coming in wall leave andrews. true cost of ride 86 sons of Midland.

Tom Florney, 3302 Kansas, WW II Vet hard of eharing have hearing aaids. honor oath of service joined service 1942 required to take oath to support and defentd cconstitution however don't believe word used but reminded to. enver violated that oath but find that people in govt don't pay any attention to oath. went to city charter and can find noting in there where any member of this council has had to take an oath to support. Find notning in charter that doesn't mention consitituion of united states. Love not required for that to be in City Charter but do it any way. The constitution is not in ccharter of us being supreme part of land not viable until become part of the us. Know what law is but didn't bring it with him. Find nothing in Charter that gives you or org authority to redo 4b tax. Do not have authority to do it and why pusehd so shard to do it doesn't make sense. have had people had not beena ble to voice opinioon on opposing the 4b tax because could not becaause have to work. Proposal is demand being fair and squire is

to stop this vote in May and have meeting at night where people that have to work aat daytime be given opportunity to express opinions for or against. Robnett everybody has respect think can get back to issue of constituion being in charter and friends can do it at ballot box. offeredd to speak after meeting. Goes back to Thomas JEfferson and Declaration of Independence. declaration fo government sseperate between people in govt and people that are governed. It is clearly stated govt has to right to do anything without the approval of the governed. We need to bee honoring that situation. If sotp tryiing to make laws have no right to make law until approved by the governed.

EXECUTIVE SESSION

recessed to executive session aat 11:13 a..m.

30. 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 551.072, Deliberation Regarding Real Property

        a.1. Discuss the purchase, exchange, lease, or value of real property described as Lots 5 and 6, Block 49, East Midland Addition, City and County of Midland, Texas; a 10-acre tract located in Block 87, East Midland Addition, City and County of Midland, Texas; a 25-acre tract located in the southeast quarter of Section 2, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas; and a 160-acre tract located in Sections 17 and 19, Block 37, T-2-S, T&P RR Co. Survey, Midland County, Texas.

    b. Section 551.071, Consultation with Attorney

        b.1. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

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

PASSED AND APPROVED the __ day of ____, 2017.

_____
Jerry F. Morales, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary