

**MIDLAND CITY COUNCIL
MINUTES
May 09, 2017**

BRIEFING SESSION

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

10:00

1. Invocation - Pastor Robert Pase, Grace Lutheran
2. Pledge of Allegiance

PRESENTATIONS

1 m yor presented

b l cy

c. love

d. m yor & S r

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation for Public Service Recognition Week
 - b. Presentation of a Proclamation to VisitMidland for National Travel and Tourism Week
 - c. Presentation of a Proclamation to Midland County System of Care for Children's Mental Health Awareness Day
 - d. Presentation of Certificates of Completion to the 2017 Midland 101 graduates.

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 4 - 19 excluding 6, 7; seconded by Council Member Robnett.

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

4. Approved a motion approving the following minutes:
 - a. Regular meeting of April 25, 2017
 - b. Special meeting of April 26, 2017
5. Approved a resolution awarding an agreement for System Commissioning Services for the Midland Convention Center for the General Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 117

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH DBR ENGINEERING CONSULTANTS, INC., TO PROVIDE SYSTEM COMMISSIONING SERVICES FOR THE MIDLAND CONVENTION CENTER BUILDING, IN THE AMOUNT OF \$48,500.00; AND PROVIDING \$4,850.00 IN CONTINGENCY FUNDING THEREFOR

8. Approved a resolution awarding a contract for the Water Pollution Control Plant (WPCP) Power Supply Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 120

RESOLUTION AWARDING A CONTRACT FOR THE CONSTRUCTION OF NEW ELECTRICAL SERVICE FACILITIES AT THE WATER POLLUTION CONTROL PLANT TO DENNARD ELECTRIC SUPPLY, INC., IN THE AMOUNT OF \$1,291,589.00

9. Approved a resolution authorizing the City of Midland to continue its membership with the Steering Committee of of Cities Served by Oncor (the "Steering Committee"); and authorizing the payment of 11 cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 121

RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO CONTINUE ITS MEMBERSHIP WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR (THE "STEERING COMMITTEE"); AND AUTHORIZING THE PAYMENT OF 11 CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC

10. Approved a resolution of the City Council of the City of Midland, Texas Nominating Pioneer Natural Resources USA, Inc. to the office of the Governor, Economic Development and Tourism, through the Economic Development Bank as an Enterprise Project pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; Providing an Effective Date; and designating a liaison for the Communication with interested Parties. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 132

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, NOMINATING PIONEER NATURAL RESOURCES USA, INC., TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM, THROUGH THE ECONOMIC DEVELOPMENT BANK AS AN ENTERPRISE PROJECT PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE; PROVIDING AN EFFECTIVE DATE; AND DESIGNATING A LIAISON FOR THE COMMUNICATION WITH INTERESTED PARTIES

11. Approved a resolution authoring the city manager to purchase on behalf of the City of Midland, Lot 9, Block 9, Greenwood Addition, Second Section, and Lot 9, Block 10, and Lot 4, Block 11, Greenwood Addition Third, Fourth & Fifth Sections, City and County of

Midland Texas. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 123

RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE, ON BEHALF OF THE CITY OF MIDLAND, LOT 9, BLOCK 9, GREENWOOD ADDITION, SECOND SECTION, AND LOT 9, BLOCK 10, AND LOT 4, BLOCK 11, GREENWOOD ADDITION, THIRD, FOURTH & FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO PURCHASE SAID REAL PROPERTY, PURCHASE TITLE INSURANCE POLICIES AND HOLD THE CLOSINGS FOR SAID PURCHASES; AUTHORIZING PAYMENT FOR SAID REAL PROPERTY, TITLE INSURANCE POLICIES AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, ALL INSTRUMENTS OF CONVEYANCE

12. Approved a resolution authorizing the reallocation of funds from three previously closed Transportation projects to the Beal Parkway Roadway Project. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 124

RESOLUTION APPROPRIATING \$98,161.20 FROM THE GENERAL FUND (001) UNAPPROPRIATED FUND BALANCE (35650) TO THE BEAL PARKWAY PROJECT (900139)

13. Approved a resolution to authorize execution of a Public Improvement Development Agreement with Permian Basin Area Foundation (PBAF) in the amount of \$22,042.50 for design and construction of public infrastructure improvements to serve Sunset Acres Addition; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. The subject property is generally located between Golf Course Road and Andrews Highway, approximately 550 feet west of the intersection with Midkiff Road, in the City of Midland, Midland County, Texas.) (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 125

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH PERMIAN BASIN AREA FOUNDATION FOR DEVELOPMENT OF LOT 3, BLOCK 12, SUNSET ACRES ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF ANDREWS HIGHWAY, BETWEEN ANDREWS HIGHWAY'S INTERSECTIONS WITH UPLAND STREET AND AUSTIN STREET); AND AUTHORIZING PAYMENT THEREFOR IN THE AMOUNT OF \$22,042.50 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

14. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and DCP Operating Company, LP, said Right-of-Way License is for entering the City of Midland's property for the purpose of operating, repairing, maintaining and removing one gas transportation pipeline, not to exceed six (6) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located within City of Midland property, Section 04, Block 38, T2S, T&P R.R. Co. Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 126

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND DCP OPERATING COMPANY, LP, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 4, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

15. Approved a resolution accepting a Utility Easement from Deep Creek Oil Tools, LLC., located in Section 19, Block 39, T-1-S, T&P RR. Co. Survey, for the purpose of constructing and maintaining a water line 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. 2017 - 127

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.057-ACRE UTILITY EASEMENT LOCATED IN SECTION 19, BLOCK 39, T-1-S, T&P RR CO. SURVEY, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

16. Approved a resolution authorizing the acceptance of a Sewer Utility Easement from Mall at Midland Park, LLC, located in Lot 2, Block 17, Skyline Terrace Unit 6 and Lot 1A, Block 17, Skyline Terrace Unit 7, City of Midland, Midland County, Texas for the purpose of constructing and maintaining a sanitary sewer line and any associated facilities; and ordering recordation by the City Secretary (City of Midland, Midland County). (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 133

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.3915-ACRE UTILITY EASEMENT LOCATED IN LOT 2, BLOCK 17, SKYLINE TERRACE, UNIT 6, AND LOT 1A, BLOCK 17, SKYLINE TERRACE, UNIT 7, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

17. Approved a resolution to authorize the adoption of the "Jal and Midland Draw Watershed Study" prepared by Freese and Nichols Inc. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 129

RESOLUTION ADOPTING THE JAL AND MIDLAND DRAW WATERSHED STUDY REPORT PREPARED BY FREESE AND NICHOLS, INC. AS AN ADDITION TO THE CITY OF MIDLAND MASTER DRAINAGE PLAN

18. Approved a resolution authorizing an Operating Certificate for The Party Wagon, LLC to operate a limousine business. (POLICE)

RESOLUTION NO. 2017 - 130

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR THE PARTY WAGON, LLC TO OPERATE A LIMOUSINE BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

19. Approved a resolution approving (1) an Amendment to a certain Commercial Hangar

Lease Agreement and (2) an Amendment to a certain Lease Agreement, both between the City of Midland and the Midland Development Corporation. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2017 - 131

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THAT CERTAIN COMMERCIAL HANGAR LEASE AGREEMENT BETWEEN THE CITY OF MIDLAND AND THE MIDLAND DEVELOPMENT CORPORATION REGARDING CERTAIN PROPERTY LOCATED AT MIDLAND INTERNATIONAL AIR AND SPACE PORT; AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THAT CERTAIN LEASE AGREEMENT, DATED JANUARY 29, 2014, BETWEEN THE CITY OF MIDLAND AND THE MIDLAND DEVELOPMENT CORPORATION REGARDING CERTAIN PROPERTY LOCATED AT MIDLAND INTERNATIONAL AIR AND SPACE PORT

6. Approved a resolution awarding a contract for mowing, litter pickup and miscellaneous services at the Landfill for the Solid Waste Department. (PURCHASING)

RESOLUTION NO. 2017 - 118

RESOLUTION AWARDING A SERVICE CONTRACT FOR MOWING, LITTER PICK-UP, AND OTHER MISCELLANEOUS SERVICES AT THE CITY LANDFILL TO DEE SKY SERVICES, OF MIDLAND, TEXAS, AT A COST OF \$220,000.00 PER YEAR

Council Member Lacy moved to adopt Resolution No. 2017 - 118; seconded by Council Member Robnett.

sparks contract this large for 2 fiscal years easier for council to see two meetings know NTE based off history think probably need not to exceed 200 instead of 220. sparks haven't seen a need to spend 200,000 in years past going above that this year. as long as have goal of 200 then morris tends to have keep it under 200 for the year. bid looks good not opposed just from admin if think it would be better doing over a fy instead of splitting. not this one but for future. this is for two years. Love don't have problem what is determination for 200 why not 190? Sparks so that he had a little bump. sparks last year 172 or 173. morris for one company 172 and change there was another company doing another thing but streamlinign so did exceed the 200.. Morales he explained as well saying he exceeded 200. this is the lower end because everything else higher hourly rate. Robnett can prorate to end of this fy and then come back with full amount. Lacy Morris is bringing this forward because this is what he needs. more trash loads as continue to grow the need for this type of service will continue to grow. undern for budget cycle but don't want to arbitrarily change up whole deal staff directed change for future.

Morris he appreciates what saying he hopes will not look at number ensure keep cost down and only spend what need to.

Robert patrick it was not communicated in budget how much spent next years budget in one place to keep better track.

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

7. Approved a resolution rejecting all bids received for the Spraberry and Plant Farm Rehabilitation Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 119

RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE SPRABERRY FARM AND PLANT FARM IMPROVEMENTS PROJECT FOR THE UTILITIES DEPARTMENT; AND AUTHORIZING THE CITY MANAGER TO RE-ADVERTISE FOR COMPETITIVE BIDS FOR SAID PROJECT

Council Member Lacy moved to adopt Resolution No. 2017 - 119; seconded by Council Member Robnett.

lacy why confusion. laura by pass pumping verbage wasn't clear addition by pass not thru line didn't notice until bids came in. Lacy whenever do no jack up bids or underminde. really hate to be at mercy of contractor.

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

SECOND READINGS

20. Consider an ordinance on second reading 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 West Loop 250 North, approximately 720-feet west of North Midkiff Road.) (DEVELOPMENT SERVICES) (First reading held April 25, 2017)

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 Karla Mata read the caption of Ordinance No. 9656.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9656 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.

21. Consider an ordinance on second reading 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) (First reading held April 25, 2017)

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 Karla Mata read the caption of Ordinance No. 9657.

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

22. Consider an ordinance on second reading 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) (First reading held April 25, 2017)

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 Karla Mata read the caption of Ordinance No. 9658.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9658 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

23. Consider an ordinance on second reading 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) (First reading held April 25, 2017)

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 Karla Mata read the caption of Ordinance No. 9659.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9659 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

24. Consider an ordinance on second reading 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) (First reading held April 25, 2017)

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 Karla Mata read the caption of Ordinance No. 9660.

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

25. Consider an ordinance on second reading 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) (First reading held April 25, 2017)

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 Karla Mata read the caption of Ordinance No. 9661.

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

PUBLIC HEARINGS

26. Hold a public hearing regarding a proposed oil and gas permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Mask HZ Unit No 1008H) located 230 feet from the north line and 1,690 feet from the west line located in Section 10, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 1,624 feet east of North Garfield Street Extension and 1,095 feet north of Passage Way Extension.) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting well location sharing pad with another well approved in March. near oxy property require var to 24-hour frac and road repair no city roads used. closest house about 2000 ft away.

Mayor Morales opened the public hearing at 10:35 a.m. There being no one present

wishing to speak, the public hearing was immediately closed.

27. Hold a public hearing and consider an ordinance on first reading on a request by Corbette and Richard Padilla for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on the east 75 feet of the west 175 feet of the remainder of the south 1/2 of Block 16, Loma Linda Addition, Section 4, City and County of Midland, Texas (Generally located on the south side of W. Oak Avenue, approximately 122 feet east of North Big Spring Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9663

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS THE EAST 75 FEET OF THE WEST 175 FEET OF THE REMAINDER OF THE SOUTH HALF OF BLOCK 16, LOMA LINDA ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST OAK AVENUE, APPROXIMATELY 122 FEET EAST OF NORTH BIG SPRING STREET), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR 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. 9663.

Planning Division Manager Jessica Carpenter gave a brief overview of the item noting sup with term for all alco bev on prem consumption. lr2 supports the sup for alco. prop sur by lr2 this spef sue permit new applicaiton. orig sproved 9/2014. due to various circumstances wasn't able to receiv cert of occ from orig sup ord or within 2 year sup time ram therefore reappleid for new supthe floor plan relatively same change to storage restroom 998 sq ft alco svcable area 528 for patio space. sun-sat 11 a.m. to 11 p.m. same as rest operaitonal hours. several sup within vicinity. ad pakring and restrooms no churches or schools. been review by depts no lojs taff rec approval subnjctto conditions listed. Morales on patios are they required to have fence. jessica must be fully gated. no height requirement.

Mayor Morales opened the public hearing at 10:38 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. 9663 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

28. Hold a public hearing and consider an ordinance on first reading on a request by Bean & Grape 1, LLC., for a Specific Use Permit with Term for the sale of beer and wine, for on-

premises consumption, in a restaurant, on a 2,250-square foot portion of Block 1, replat of Blocks 1 and 2, Imperial Heights Addition, City and County of Midland, Texas (Generally located on the south side of West Wadley Avenue, approximately 270 feet east of North Midkiff Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9664

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 2,250-SQUARE FOOT PORTION OF BLOCK 1, RE-PLAT OF BLOCKS 1 AND 2, IMPERIAL HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 270 FEET EAST OF NORTH MIDKIFF 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 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 Karla Mata read the caption of Ordinance No. 9664.

PDM Jessica Carpenter gave a brief overview of the item noting sup with term for sale of beer and wine in rest. Ir2 supports sup for alco. a new app orig sup 12/13/16 under due to various circumstances unable to receive cert of occup with 120 days of adoption. therefore reapplied for new sup of 2250 sq ft prop floor plan 1570 sq ft alco svcs are seating 70. hours mon-sat 10-10 and sun 11-10. same as previous approved hours. no schools or churches 300 feet. req reviewed by city depts no loj, staff rec approval subject to conditions listed.

Mayor Morales opened the public hearing at 10:41 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. 9664 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

29. At approximately 6:00 p.m. hold a public hearing regarding the Fiscal Year 2017/2018 Community Development Block Grant funding application request. This is a public hearing only. (DEVELOPMENT SERVICES)

will hear tonight information only.

MISCELLANEOUS

30. Consider an ordinance approving a special exception on a request by DR Horton-Texas, Ltd., from 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 Midland, Texas (Generally located on the west side of Arlington Road, approximately 1,780 south of State Highway 191.) (DEVELOPMENT SERVICES) (Deferred from April 25, 2017 meeting.)

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 Karla Mata read the caption of Ordinance No. 9662.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9662.

PDM Jessica Carpenter gave a breif overview deferred form 4/25 meeting request by D.R. Horton requesting special exception for proposed legacy additon 10 fooot deviation from code required for two sotry structure ot have 30 requ 20 feet for lacy addition. sparks if there is an alley you can have 10 feet.

askedEric West psc, provided few additional exhibits in packet so understand what code says. the main piece of that is that without alley the setback actually increases from house to house. 20 foot alley 10 ft rear yard set back. if 2 2-story hosues there would be 40 feet without alley 60 feet apart. special exception jsut to put two-story at same distance. without alley with rear yards get bigger more space . this is only for 2 story situation. it is not even what happens along every lot to get same distances they would have if they ahve an alley. Hotchkiss appreciate talking with her and will not be cookie cutter mixed look. the next itme is the prel plat there is a variety of lot sizes. eric. Love appreciate willingness to bring affordable housing to Midland.

Council Member Love moved approval of the first of two readings of Ordinance No. 9662 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.

31. 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 1,780 feet south of State Highway 191.) (DEVELOPMENT SERVICES) (Deferred from April 25, 2017 meeting.)

PDM Jessica Carpenter gave a brief overview of the item noting again recap on def itme 4/25 mtg preop rpel plan by dr horton to plat to 450 lots for single family residential homes. annex approved. first reading has been approved of initial zoning. Morales

what was discussion all 1f3. Sparks actually looking closer at plat some lots are close to 1f2 lots some may be 1f2 lots not all smaller lot sizes eric showed plat and talked extensively.

Morales what about amenities, sparks land set aside in first phase that city had made indicated city would make into a park or green space. Jessica comment that restrictive covenant maintain responsibilities of common areas for this plat. Courtney they have hoa on phase one dedicated 5 acres to city so its city's responsibility to make improvements to it.

Council Member Lacy moved to approve 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 1,780 feet south of State Highway 191.); seconded by Council Member Love.

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

PUBLIC COMMENT

32. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting. (Please limit comments to three minutes or less.)

no comments.

EXECUTIVE SESSION

33. 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.
 - b. Section 551.072, Deliberation Regarding Real Property.
 - b.1. Discuss the purchase, exchange, lease, or value of real property described as Block 54, Original Town, City and County of Midland, Texas.
 - c. Section 551.074, Personnel Matters.
 - c.1. Deliberate the employment, evaluation, and duties of the City Manager, including the City Manager's supervision of the Chief of Police and the Midland Police Department.

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