

**MIDLAND CITY COUNCIL
MINUTES
May 19, 2015**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on May 19, 2015.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem Scott Dufford (At-Large), Council Member Spencer Robnett (At-Large), Council Member Jeff Sparks (District 1), Council Member John B. Love, III (District 2), Council Member Sharla Hotchkiss (District 3), 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 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 Director Jose Ortiz, Interim Director of Airports Justine Ruff, Planning Division Manager Bob Baronti, Building Official Steve Thorpe, Public Information Officer Sara Bustilloz, and Community Development Manager Sylvester Cantu.

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., May 19, 2015.

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

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 10:02

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

PRESENTATIONS

Sara Bustilloz introduced Midland 101 graduates.

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

PUBLIC COMMENT

Green Jacket Lady, enjoyed Midland 101 learned things she did not know Phyllis Peak 3122 Tealwood Place. lived here her whole life.

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. (Please limit comments to three minutes or less.)

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 5 - 22 excluding 5a, 6, 8, 10, 12; seconded by Council Member Sparks.

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

Council Member Lacy moved to approve Consent Agenda items 5 - 22 excluding 5a, 6, 8, 10, 12; seconded by Council Member Sparks.

5. Approved a motion approving the following minutes:

- a. Special meeting of April 20, 2015

correction April 20, 2015 at top of notice

Council Member Lacy moved to approve Special meeting of April 20, 2015 with correction of date; seconded by Council Member Robnett.

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

- b. Regular meeting of April 28, 2015

c. Special meeting of April 30 - May 1, 2015

7. Approved a resolution rejecting the sole bid received and authorizing re-advertisement for brass valves and fittings for the Municipal Warehouse. (PURCHASING)

RESOLUTION NO. 2015 - 129

RESOLUTION REJECTING THE SINGLE BID RECEIVED FOR BRASS VALVES AND FITTINGS FOR THE MUNICIPAL WAREHOUSE; AND AUTHORIZING THE CITY MANAGER TO RE-ADVERTISE FOR COMPETITIVE BIDS FOR SAID ITEMS

9. Approved a resolution approving plans and authorizing the City Manager to give notice to advertise for request for bids for the construction of the City of Midland Cured-In-Place Sewer Manhole Rehabilitation Project (Jal Draw; N. Midland Drive to N. Midkiff Rd.) (PURCHASING)

RESOLUTION NO. 2015 - 131

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE CURED-IN-PLACE SEWER MANHOLE REHABILITATION PROJECT; SAID PROJECT WILL PROVIDE FOR THE REHABILITATION OF 12 SEWER MANHOLES LOCATED WITHIN THE NORTHWEST DRAINAGE CHANNEL (JAL DRAW) BETWEEN MIDLAND DRIVE AND MIDKIFF ROAD

11. Approved a resolution approving the specifications and authorizing advertisement for bids for the project described as Airfield Security Access Control Software and Cable Upgrade (7084). (AIRPORTS)

RESOLUTION NO. 2015 - 133

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE AIRFIELD SECURITY ACCESS CONTROL SOFTWARE AND CABLE UPGRADE PROJECT; SAID PROJECT WILL REPLACE THE TRANSPORTATION SECURITY ADMINISTRATION'S ACCESS CONTROL SYSTEM WITH CURRENT EQUIPMENT AND SOFTWARE AT MIDLAND INTERNATIONAL AIR AND SPACE PORT

13. Approved a resolution authorizing the Midland Chamber of Commerce to hold the annual Star Spangled Salute at Hogan Park and where alcohol can be sold and consumed and authorizing the City Manager or his designee to notify the Texas Alcoholic Beverage Commission of the permission granted. (COMMUNITY SERVICES)

RESOLUTION NO. 2015 - 135

RESOLUTION AUTHORIZING THE MIDLAND CHAMBER OF COMMERCE TO HOLD THE ANNUAL STAR SPANGLED SALUTE AT HOGAN PARK ON JULY 4, 2015; AND AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT SAID EVENT

14. Approved a resolution to authorize execution of a Public Improvement Development Agreement with Real Property Resources Inc. in the amount of \$215,937 for future design and construction of public paving improvements on State Highway 349 to serve Lone Star Business Park Section 2; and appropriating funds therefor; said agreement

being authorized by Section 395.081 of the Texas Local Government Code. The subject property is located in the City of Midland on the east side of State Highway 349, between Green Tree Blvd and Lone Star Lane. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 136

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH REAL PROPERTY RESOURCES, INC. FOR PUBLIC PAVING IMPROVEMENTS TO STATE HIGHWAY 349, ADJACENT TO LONE STAR BUSINESS PARK, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 349, BETWEEN GREEN TREE BOULEVARD AND LONE STAR LANE); AND APPROPRIATING FUNDS THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

15. Approved a resolution authorizing the execution of a Public Improvement Development Agreement in the amount of \$91,864 between the City of Midland and Permian Homes for the construction of an oversized waterline to serve the Daybreak Estates Subdivision Addition Section 6, generally located on the east side State Hwy 349 approximately a third of a mile north of Mockingbird Lane and SH 349; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 137

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH PERMIAN HOMES FOR DEVELOPMENT OF DAYBREAK ESTATES, SECTION 1, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 349, APPROXIMATELY 0.33 MILES NORTH OF MOCKINGBIRD LANE); AND APPROPRIATING FUNDS IN THE AMOUNT OF \$91,864.00 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

16. Approved a resolution authorizing and executing a Right-of-Way License between City of Midland, TX and MRC Permian Company, said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing a petroleum 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 the City of Midland property, Sections 12 and 17, Block C-24, P.S.L. Survey, Loving County, TX. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 138

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND MRC PERMIAN COMPANY REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 12 AND 17, BLOCK C-24, P.S.L. SURVEY, LOVING COUNTY, TEXAS

17. Approved a resolution authorizing the execution of a Right-of-Way License between the City of Midland, Texas and Coronado Midstream, LLC; said Right-of-Way License is for entering City of Midland's right-of-way for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing a gas transportation pipeline

and to have the right of ingress and egress at convenient points for such purpose; the right-of-way is located in Midland County, Texas, being Sections 1, 11, and 12, Block X, H.P. Hilliard Survey; the license term is for five (5) years, commencing with the date of this license and shall automatically renew at the end of the term for one additional five (5) year term upon 120 days written request prior to expiration; and rescinding City of Midland Resolution No. 2015-090. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 139

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND CORONADO MIDSTREAM LLC REGARDING CITY-OWNED PROPERTY LOCATED IN SECTIONS 1, 11 AND 12, BLOCK "X", H.P. HILLARD SURVEY, MIDLAND COUNTY, TEXAS; AND RESCINDING CITY OF MIDLAND RESOLUTION NO. 2015-090

18. Approved a resolution authorizing the execution of a Right-of-Way License between the City of Midland, Texas and Lone Star NGL Pipeline, LP; said Right-of-Way License is for entering City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing a gas transportation pipeline and to have the right of ingress and egress at convenient points for such purpose; the property is located in Midland and Glasscock counties, Texas, being Section 9, Block 38, T2S, and Sections 18, 19, and 30, Block 36, T3S, T&P RR Co. Survey; the license term is for five (5) years, commencing with the date of this license and shall automatically renew at the end of the term for one additional five (5) year term upon 120 days written request prior to expiration. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 140

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND LONE STAR NGL PIPELINE, LP, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 9, BLOCK 38, TOWNSHIP 2 SOUTH, AND SECTIONS 18, 19, AND 30, BLOCK 36, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND AND GLASSCOCK COUNTIES, TEXAS

19. Approved a resolution authorizing the execution of an amendment to a Right-of-Way License between the City of Midland, Texas and Crownquest Operating, LLC; said Right-of-Way License having been authorized by City of Midland Resolution No. 2014-406; said Right-of-Way License is for entering City of Midland property for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing petroleum pipelines and to have the right of ingress and egress at convenient points for such purpose; the property is located in Midland County, Texas, being Section 4, Block 37, T3S, T&P RR. Co. Survey. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 141

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND CROWNQUEST OPERATING, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 4, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

20. Approved a resolution authorizing the execution of a Right-of-Way License between the City of Midland, Texas and Vineyard Reserve, LLC; said Right-of-Way License is for entering City of Midland's right-of-way to construct, install, repair, maintain, alter,

remove, and improve right-of-way improvements and to have the right of ingress and egress at convenient points for such purpose; the right-of-way is located on Sherwood Drive in Midland County, Texas, adjacent to Lot 1, Block 1 and Lot 1, Block 2, The Vineyard Addition; the license term is indefinite. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 142

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY IMPROVEMENTS LICENSE AGREEMENT WITH VINEYARD RESERVE, LLC FOR THE PURPOSE OF INSTALLING AND MAINTAINING APPROXIMATELY 5,320 SQUARE FEET OF CLAY PAVERS WITHIN THE SHERWOOD DRIVE RIGHT-OF-WAY

21. Approved a resolution to apply for the FY2016-2017 Victim Coordinator and Liaison Grant offered through the Office of the Attorney General (POLICE)

RESOLUTION NO. 2015 - 143

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE TEXAS ATTORNEY GENERAL FOR FISCAL YEAR 2016-2017 VICTIM COORDINATOR AND LIAISON GRANT PROGRAM FUNDING; THIS GRANT WILL DESIGNATE AN INDIVIDUAL TO SERVE AS A REPRESENTATIVE TO CONSULT WITH THE TEXAS ATTORNEY GENERAL IN ORDER TO ENSURE THAT VICTIMS, GUARDIANS OF VICTIMS, OR RELATIVES OF DECEASED VICTIMS ARE AFFORDED THE RIGHTS GRANTED TO THEM

22. Consider a Resolution approving a Fee and Time Extension for the WPCP Upgrade Fast Start contract with HDR (UTILITIES)

RESOLUTION NO. 2015 - 144

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., FOR OVERSIGHT OF THE WASTEWATER PLANT UPGRADES PROJECT WITH PIONEER NATURAL RESOURCES WATER MANAGEMENT LLC; SAID AMENDMENT WILL AUTHORIZE A FEE increase OF \$50,000.00 AND AN EXTENSION OF THE AGREEMENT TERM UNTIL JUNE 30, 2015.

6. Approved a resolution approving plans and specifications and authorizing advertisement for competitive sealed proposals for the construction of Fire Station 6 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2015 - 128

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR COMPETITIVE SEALED PROPOSALS FOR THE CONSTRUCTION OF FIRE STATION #6

Lacy pulled to note his excitement. Wanted chief to give briefing, a bigger station will include pd on west side of town.

Robert Isbell new station 6 will look like station 10 with few minor modifications to design internally. Added options to go to bid with police store front for remote location to meet public and do reports and have place.

Council Member Lacy moved to adopt Resolution No. 2015 - 128; 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.

8. Approved a resolution approving plans and specifications and authorizing advertisement for competitive sealed proposals for the Greathouse Park Project which includes a playground, site furnishings, walking trails, landscape and irrigation for the Parks Division. (PURCHASING)

RESOLUTION NO. 2015 - 130

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR COMPETITIVE SEALED PROPOSALS FOR THE GREATHOUSE PARK PROJECT

Love pulled for general question. letter from tina to rrobert patrick other items will be ?Purchased what else will be purchased and how much because that is full scope. Laurie Willieams full brudget 450,000 this is for concrete, meet with hoa to determine type of playground it will come back for full aamunt this is jsut for plans and bring other items at same time. Lacy whaat will bring ttal neighborhood parks to total pparks 45.

Love Laura mmade great pres lasat night at trail system and thanked publically. Morales midland driving ddown healthy direciton.

Council Member Love moved to adopt Resolution No. 2015 - 130; seconded by Council Member Lacy.

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

10. Approved a resolution approving the specifications and authorizing advertisement for bids for the project described as Entrance Roadway and Guidance Signage Rehabilitation Project (7113). (AIRPORTS)

RESOLUTION NO. 2015 - 132

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE ENTRANCE ROADWAY AND GUIDANCE SIGNAGE REHABILITATION PROJECT; SAID PROJECT WILL MILL AND REPLACE THE UPPER ASPHALT SURFACE ALONG THE ENTRANCE ROADS TO THE TERMINAL BUILDING AT MIDLAND INTERNATIONAL AIR AND SPACE PORT

Lacy pulled to make nonwn all by prfc chargess not general fund clarify misconceptioons. passenger facility tax 4.5 on ticket when fly out ujustine.

Council Member Lacy moved to adopt Resolution No. 2015 - 132; seconded by Council Member Love.

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

12. Approved a resolution correcting Resolution No. 2013-261 appropriating funds to the Emergency Roadway and Gates Rehabilitation Project (7082). (AIRPORTS)

RESOLUTION NO. 2015 - 134

RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS IN THE AMOUNT OF \$31,500 FROM THE AIRPORT OPERATING FUND (500) UNAPPROPRIATED FUND BALANCE (5650) TO THE EMERGENCY ROADWAY AND GATES REHABILITATION PROJECT (7082) AT THE MIDLAND INTERNATIONAL AIR AND SPACE PORT

Love pulled curious what happened and how it happened. Justine mistake made in 2013. up fronted money for project and then get reimbursed by grant. when took reimbursement moved this out of account back in and now need it baack to pay bills.

Council Member Sparks moved to adopt Resolution No. 2015 - 134; seconded by Council Member Love.

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

SECOND READINGS

23. Consider an ordinance on second reading on a request by Darpan Bhatka, Midland I-20 Development, LP (Midland Towneplace Suites) for a zone change from LR-2, Local Retail District, to O-2, Office District, on Lot 9, Block 2, Amaron Addition, Section 8, City and County of Midland, Texas (Generally located northeast of the intersection of Camp Street and Crump Street.) (DEVELOPMENT SERVICES) (First reading held on April 28, 2015.)

ORDINANCE NO. 9438

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 9, BLOCK 2, AMARON ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF CAMP STREET AND CRUMP 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 SueAnn Reyes read the caption of Ordinance No. 9438.

Council Member Love moved to approve the second and final reading of Ordinance No. 9438 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.

24. Consider an ordinance on second reading on a request by Corbette Padilla and Justine Sosa dba Steak 42 for a Specific Use Permit with Term for the sale of all alcoholic

beverages, for on-premises consumption, in a restaurant, on Lots 7 through 9, Block 183, Southern Addition, City and County of Midland, Texas (Generally located northeast of the intersection of S. Big Spring Street and W. Dakota Avenue.) (DEVELOPMENT SERVICES) (First reading held on April 28, 2015.)

ORDINANCE NO. 9439

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS 7 THROUGH 9, BLOCK 183, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH BIG SPRING STREET AND WEST DAKOTA 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 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 Reyes read the caption of Ordinance No. 9439.

Council Member Love moved to approve the second and final reading of Ordinance No. 9439 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

25. Consider an ordinance on second reading on a request by Stephen & Teresa Parnell for a Specific Use Permit without Term for an accessory building for living or sleeping quarters on Lot 15, Block 7, Arbor Park Addition, Section 3, City and County of Midland, Texas (Generally located southeast of the intersection of Rainbow Road and Sunburst Drive.) (DEVELOPMENT SERVICES) (First reading held on April 28, 2015.)

ORDINANCE NO. 9440

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 15, BLOCK 7, ARBOR PARK ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF RAINBOW ROAD AND SUNBURST DRIVE), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, 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 Reyes read the caption of Ordinance No. 9440.

Council Member Love moved to approve the second and final reading of Ordinance No. 9440 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

26. Consider an ordinance on second reading on a request by for a zone change Mid-TSC Development, LP from PD, Planned District for a Shopping Center to O-2, Office District, on Lots 2 & 3, Block 5, Westridge Park Addition, Section 6, City and County of Midland, Texas (Generally located southeast of the intersection of Tradewinds Boulevard and Deauville Boulevard.) (DEVELOPMENT SERVICES) (First reading held on April 28, 2015.)

ORDINANCE NO. 9441

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 2 AND 3, BLOCK 5, WESTRIDGE PARK 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 O-2, OFFICE DISTRICT (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND DEAUVILLE BOULEVARD); 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 Reyes read the caption of Ordinance No. 9441.

Council Member Love moved to approve the second and final reading of Ordinance No. 9441 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

PUBLIC HEARINGS

27. At approximately 10:33 a.m. hold a public hearing and consider an ordinance on a request by Midland SHS Development, LP for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar and in a conference center, on a 5,060-square foot portion of Lot 8A, Block 3, Westridge Park Addition, Section 18, City and County of Midland, Texas. (Generally located northeast of the intersection of Catalina Drive and Deauville Boulevard. - District 4) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9442

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS AN APPROXIMATE 5,060-SQUARE FOOT PORTION OF LOT 8A, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF CATALINA DRIVE AND DEAUVILLE BOULEVARD), 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 BAR AND IN A CONFERENCE CENTER 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

Mayor Morales read the caption of ORdinance No. 9442.

Chuck harringtton request for springhill suites for aalco bev permit allow 30 in bar 170 in conf. app reappealed to expand to include pool or patio area where 21 in bar 68 in patio 168 in conf area and prop for hallway to add 49 persons for that. staff reviewed and made sure it meet all requirement p7z rec approval. rec no loj.

Lacy commend CO for amend sup when saw problem.

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.

cph

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9442 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.

28. At approximately 10:36 a.m. hold a public hearing and consider an ordinance on a request by Kevin Leary for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District on Lot 1A, Block 2, Grandridge Park Addition, Section 6, City and County of Midland, Texas. (Generally located on the west side of the intersection of Holiday Hill Road and N. Loop 250.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9443

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 2, GRANDRIDGE PARK 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 THE INTERSECTION OF HOLIDAY HILL ROAD AND NORTH LOOP 250); 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 Reyes read the caption of Ordinance No. 9443.

Development Services Director Chuck Harrington gave a brief overview of the item noting proposing to as part of er facilities need to protect facili ambulance arrivalal prop to construct canopy . no loj and staff and p7z rec approval. morales is it 24 hours. chuck assumes so.

Mayor Morales opened the public hearing at 10:44 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9443 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Love hoping applicant would be here. palalnned district subject to drawings and site plan. resubmitted is different then different of structure to other four buildings. orig site plan metal grates and doors along weall. previous arcchitect si dfferent. since site plan would like to see this conform to everything else. Original on third . is there not a detection in city code with having blank walls. chuck applicant has proposed to not amke any changes to buidling. that means not touching that their not addressing those and doors should still bee there. Want to make sure this is site plaan that is being submitted. hatchess to him does not mean will not touch. Chuck will make them adhere to original elevations grates that mentioned are actual canopiies. want to make sure not a blank wall. nnot ar architect adn dont' know that cross hatch means. Sparks appreciate where Love coming from if approve will be subjecto to everything that is hatched will not be changed and should remain as previously proposed. Chuck same or similar materials and make sure will adhere to canopies that protect rear door. Hotchkiss more comfortable to amend motion that need to adhere to only one change. Council no , if reaad memo only minor change nothign to do with aesthetics or exterior of building. Love want to make sure that it adheres dont' want to delay want to make sure this building looks like others will minor changes.

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

29. At approximately 10:42 a.m. hold a public hearing and consider a resolution on a request by San Miguel Archangel Catholic Church for a Temporary Land Use Permit for an Annual Church Fair on a portion of Lot 1A, Block 19, Midland Heights Addition, Section 4, City and County of Midland, Texas. (Generally located southwest of the intersection of Camp Street and W. Dakota Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 145

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

Development SEervices Director Chuck Harrington gave a brief overview of the item noting this is temporary land use for one of many festivals here in spring. this one occurs for a number of eyars. proposed hours of op 12-12 on sat 1-10 on sunday. all

also bev will not be sold. 5 peace officer 8 port restroom. live music sound reduced at 10. staff finds request to be reasonable.

Mayor Morales opened the public hearing at 10:51 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2015 - 145; seconded by Council Member Lacy.

Love comment that attended event last year and it's really great event well organized in his district he supports wholeheartedly.

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

30. At approximately 10:45 A.M. hold a public hearing and consider a resolution on a request by Adrianna Rodriguez for a Temporary Land Use Permit for a Community Event on Lots 7 through 9, Block 81, West End Addition, City and County of Midland, Texas. (Generally located northeast of the intersection of W. Wall Street and N. "J" Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 146

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A COMMUNITY EVENT ON LOTS 7 THROUGH 9, BLOCK 81, WEST END ADDITION, AND ON THE 100 BLOCK OF NORTH J STREET, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST WALL STREET AND NORTH J 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 unique event thru for community event. prop to bring in outside groups to visit with people attend event and learn about community. live music free food also bev not sold. 3 perm restroom in church avail to event attendees no security guard. found reason req. they have req for street closure handled through separate process. one day sunday 10-4

Mayor Morales opened the public hearing at 10:53 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2015 - 146; seconded by Council Member Love.

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

31. At approximately 10:48 A.M. hold a public hearing and consider a resolution on a request by Fernando Espana for a Temporary Land Use for an Outdoor Amusement Function on Lots 21 through 25, Block 82, Permian Estates Addition, City and County of Midland, Texas. Generally located on the north side of W. Wall Street, approximately 510-feet west of Fasken Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 147

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN OUTDOOR AMUSEMENT FUNCTION ON LOTS 21 THROUGH 25, BLOCK 82, PERMIAN ESTATES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WALL STREET, APPROXIMATELY 510 FEET WEST OF FASKEN 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 outdoor amusement for small circus to be held in parking lot adjacent to bowling alley th fr 5-10 sat suan 3-10 mon ???? 10:54. s ubmitted site plan. residential 300 feet away. everything else in area in c-3. the staff has concerns about adequate parking. operator has max 100 students at any one time but requesting occ of 300 people. think adequate spacing but not adequate parking lot not striped full of pothole causes problem. concern about # of security guards. staff thinks should be 2 and conc about restrooms rec inc to 7 of each 14 total. Love is applicant same person who owns bowling alley. Chuck no. Love its a circus what does that mean? elephants tigers big tent? Chuck need to ask applicant dont' know what range of aniimals propose. Morales have bowling alley and what else. chuck gymnastics.

Mayor Morales opened the public hearing at 10:57 a.m.

Kevin Reed, 4800 Lemonwood Court, Midland, leasing the bowling center bowling center not in operation remodeling the inside and won't be open until July. As far as parking all parking lot up to bowling center gymanastic corddoned off parking open 6d ays a week and alley way for access to gymnastics to not interfere with them. he already spoke with person in gymastics and they are fine. Morales will ahve parking lot in good enough repair by this event? Lacy not concerned aobut public safety? Reed yes concern with public safety. lacy why mvoing forward . reed cone off ptoholes and can bring in truck load of base to fill oles. robnett event 29 through 4th. how may spaces to services this event. Reed at least aan acre of parking . Robnet how many patrons? Reed about 360 to attend event and might be at most 20-30 vehciels inf ront of gymnatics studio. Circuss no animals closed tent.

??? 1176 County Road, circus of karate jugglers noo animals one hour 40 minute show. chairs. Love how mahy people do you normally fit 260-300. 260 sseating in theatre style and stage wher eperformers perform. yes. working 2 months always 80 or 60. From end of May to beginning of JUne how many shows a day Thurs fri 2 shows sat and sun 3 shows. how may different acts. juggler clowns midget spanish strange man. delman circus he is the promotor. They came form Mexico 2 months ago. Morales no securitymax is 360 but only have about 100 do you think 2 restrooms. seling concessions. Lacy amend 1) fill pot holes with base materials 2) 2 cert police officers on location 3) 8 total restrooms.

Council Member Lacy moved to adopt Resolution No. 2015 - 147 with amendment to 1) fill pot holes with base materials 2) increase to 2 cert police officers on location 3) increase to 8 total restrooms; seconded by Council Member Love.

There being no one else wishing to speak, the public hearing was closed at 11:08 a.m.

Moaresl background checks. Courtney yes go through pd.

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

32. At approximately 7:00 p.m. hold a public hearing on the 2015-2016 Community Development Block Grant Program. (DEVELOPMENT SERVICES)

MISCELLANEOUS

33. Approved a resolution to grant a variance to Ordinance 8769 (January 1, 2010 Oil and Gas Well Drilling Ordinance) to allow building permits for residences, to be issued in the future, where the proposed residence, either in whole or part is no closer than 250 feet of an existing oil and gas well (Myrtle D#1). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 148

RESOLUTION GRANTING A VARIANCE FOR VISTA DEL PUEBLO ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF TODD ROAD, APPROXIMATELY 0.75 MILES SOUTH OF EAST LOOP 250 NORTH), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 250 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

Building Official Steve Thorpe gave a brief overview request from David Diaz to allow construction within 500 feet of wells by Todd road inside Loop 250. Pioneer respectively chose not to support the variance due to safety issues felt it could not support variance request stated they would not object to but not support. Lacy has there ever been instance where granted without approval of operator. Early on in process in last 2 years no. In his opinion have great reason put spacing put requirements in is for operators. Granted other hasn't gone as well wholeheartedly do not support this request because operator is not in agreement with spacing reducing. Robnett agree variance could have both parties in agreement especially of this nature. Love can't remember any variance that didn't have both party agreements of any kind.

Council Member Robnett moved to adopt Resolution No. 2015 - 148; seconded by Council Member Lacy.

Love Diaz why weren't both parties able to come to agreement like seen in past. David Diaz thanks to City staff meeting set up to meet with rep of pioneer natural resources. basically it came down to their legal dept said for future litigation purposes need to stand in opposition of less than 500 feet because that is what the ordinance states. They've done it before have previously granted variances of 250 feet but legal dept said should not do to protect long term. Robnett where were variances granted? Betenbough. Steve Thorpe pioneer had variance s where agreed to 250 feet pioneer not involved with any other variance. This is second situation. had wells not permitted so different set of rules. love pioneer previously granted one but by time got to legal said lets not do this so they did it once and now not doing it again. Steve Thorpe everybody from Pioneer was in agreement with situation of 2250 feet at Betenbough. Based on some things everyone did not understand were surprised as to how it got developed. it was eye opening experience for Pioneer after the fact. Morales learning from first trial. David has priv of serving on O&G task force that put ord in place had rep from faskin oil and ranch discovery oil, henry petroleum when issue

came about. wanted developers to have opportunity to get closer and everybody was in agreement to get within 135 feet. that's why allowed for to allow for developers. Lacy opportunity to request but it's not required. Reason order was adopted was because commercially reasonable. Morales from meeting were they specific pioneer pointed out. Robnett they weren't comfortable with the end result of project. David Diaz Betenbough development is very high density but this project is lower density. 1 for 2 acre house. between 10 for 2 acres. Robnett also talked about potentially reshaping to lots potentially lose. David redesigned and were not able to save original looking at 135 feet but moved to 250 feet. How many lots lose at 250.

At 250 don't lose any lots but will lose 3 lots at 500. Asked if council comfortable at any radius under 500 feet. not without the operator's approval. Lacy before purchasing this land did you know pioneer's desire? Love when did pioneer establish that well. David in the 80s he knew the well was out there no new stake wells on property.

Love extremely difficult in this instance this is a slippery slope. Diaz they set precedent with allowing in past. Lacy can't force an operator to do something they are not comfortable with. We all know if oil company asking for variance and homeowner said no Council would not force it. Lacy to be consistent here has to wait if do get agreement but until then can't support. Love you know He wants district to develop with housing.

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

34. Approved a motion appealing the Building Official's denial of a sign permit application by Effective Images located on 5200 Cholla Road, Midland, Texas. (Generally located northeast of the intersection of Antelope Trail and Cholla Road.) (DEVELOPMENT SERVICES)

Harrington asked deferred.

Council Member Lacy moved to defer ; seconded by Council Member Love.

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

35. Consider an ordinance establishing temporary construction speed zones on portions of Briarwood Avenue and Holiday Hill Road; authorizing and directing the Traffic Engineer to install appropriate signs and markings; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES)

ORDINANCE NO. 9444

AN ORDINANCE ESTABLISHING TEMPORARY REGULATORY CONSTRUCTION SPEED LIMITS ON PORTIONS OF BRIARWOOD AVENUE AND HOLIDAY HILL ROAD FOR THE DURATION OF A ROADWAY IMPROVEMENT PROJECT BY THE CITY OF MIDLAND; AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00), EXCEPT THAT THE MAXIMUM PENALTY OR

FINE SHALL BE FOUR HUNDRED DOLLARS (\$400.00) IF AN OFFENSE OCCURS IN A CONSTRUCTION OR MAINTENANCE WORK ZONE WHEN WORKERS ARE PRESENT; AND ORDERING PUBLICATION

1) fill pot holes with base materials 2) 2 cert police officers on location 3) 8 total restrooms.

Mayor MORqales read caption of ordinance no.

miek straight forward prev approved going out to bid previous sconstruction makde

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9444 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

36. Approved a motion making appointments to various Boards and Commissions.

Council Member Hotchkissnominate Jody Sneed to Midland Odessa Urban Transport Easy Rider to replace Karen York; seconded by Council Member Lacy.

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

Hotchkiss nominate Jody Sneed to Midland Odessa Urban Transport Easy Rider to replace Karen York.

EXECUTIVE SESSION

Mayor announced will have public eharing tonight at 7 p.m.recess to Executive Session at 11:13 a.m. recess at 11:13 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 551.072 Deliberation Regarding Real Property

- a.1. Discuss the purchase, exchange, lease or value of real property described as Block 71, East Midland Addition, Midland, Midland County, Texas.

- b. Section 551.087, Deliberate Economic Development Negotiations.

- b.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 ____, 2015.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary