

**MIDLAND CITY COUNCIL
MINUTES
May 23, 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 23, 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 23, 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

10:03

1. Invocation - Reverend Pat Bryant, Travis Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
4. Presentation of a Proclamation to XTO Energy Inc.

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 5 - 12 ; 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.

5. Approved a motion approving the following minutes:
 - a. Regular meeting of May 9, 2017
 - b. Special meeting of May 9, 2017
 - c. Special meeting of May 10, 2017
 - d. Special meeting of May 16, 2017
6. Approved a resolution approving and authorizing changes to the City of Midland bank accounts. (FINANCE)

RESOLUTION NO. 2017 - 133
RESOLUTION AUTHORIZING NEW SIGNATORIES TO CITY OF MIDLAND BANK
ACCOUNTS

7. Approved a resolution approving and authorizing changes to the City of Midland's Texpool Investment Account. (FINANCE)

RESOLUTION NO. 2017 - 134
RESOLUTION AMENDING THE AUTHORIZED REPRESENTATIVES OF THE CITY
OF MIDLAND, TEXAS, REGARDING INVESTMENTS OF PUBLIC FUNDS; ADDING
MARK GONZALES, COMPTROLLER, AS AN AUTHORIZED REPRESENTATIVE OF

THE CITY OF MIDLAND ON THE TEXAS LOCAL GOVERNMENT INVESTMENT POOL, TEXPOOL/TEXPOOL PRIME; AND PAM SIMECKA, SHELBY ZUNIGA, AND MALA RAMKISSOON SHALL BE AUTHORIZED REPRESENTATIVES OF THE CITY OF MIDLAND

8. Approved a resolution approving a professional services agreement with Parkhill, Smith & Cooper, Inc. for annual water storage tank inspections for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 135

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., FOR WATER STORAGE TANK INSPECTION SERVICES FOR THE UTILITIES DEPARTMENT

9. Consider a funding request for Disaster Recovery Site (CISD)

RESOLUTION NO. 2017 - 136

RESOLUTION APPROPRIATING \$500,000.00 FROM THE 2014 CO FUND UNAPPROPRIATED FUND BALANCE TO THE DISASTER RECOVERY SITE PROJECT

10. Approved a resolution approving an Advance Funding Agreement for a Highway Safety Improvement Project to construct mainlanes and interchanges at the intersection of Loop 250 and County Road 1150 to convert non-freeway to freeway. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 137

RESOLUTION APPROVING AN ADVANCE FUNDING AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A HIGHWAY SAFETY IMPROVEMENT PROJECT TO PROVIDE FOR THE CONSTRUCTION OF MAIN LANES AND INTERCHANGES ON SYSTEM AT THE INTERSECTION OF LOOP 250 AND COUNTY ROAD 1150 IN MIDLAND COUNTY, TEXAS

11. Approved a resolution accepting a 0.316-acre Drainage Easement located in Section 02, Block 39, T-2-S, T&P RR CO. Survey, Midland County Texas, for the purpose of installing, maintaining, and replacing storm water management facilities and other necessary appurtenances; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 138

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.316-ACRE DRAINAGE EASEMENT LOCATED IN SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

12. Approved a resolution to appropriate unclaimed funds to the Police Equipment and Technology Project. (POLICE)

RESOLUTION NO. 2017 - 139

RESOLUTION APPROPRIATING UNCLAIMED OR ABANDONED FUNDS IN THE AMOUNT OF \$17,531.00 TO THE POLICE EQUIPMENT AND TECHNOLOGY PROJECT (800922)

SECOND READINGS

13. Consider an ordinance on second reading 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) (First reading held on May 9, 2017.)

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.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9662 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.

14. Consider an ordinance on second 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 West Oak Avenue, approximately 122 feet east of North Big Spring Street.) (DEVELOPMENT SERVICES) (First reading held on May 9, 2017.)

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 SueAnn Lopez read the caption of Ordinance No. 9663.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9663 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.

15. Consider an ordinance on second 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, 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.) (DEVELOPMENT SERVICES) (First reading held on May 9, 2017.)

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 SueAnn Lopez read the caption of Ordinance No. 9664.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9664 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

16. Hold a public hearing and consider a resolution on a request by West Texas Blowout for

a Temporary Land Use Permit for a festival & concert on Lot 4, Block 5, Westridge Park Addition, Section 6, City and County of Midland, Texas. (Generally located northeast of the intersection of Tradewinds Boulevard and Champions Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 140

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

Development Services Director Chuck Harrington gave a brief overview of the item noting for temp land use permit for west tex blowout jul 28 and 29 cimarex. 4 p.m. to 1 a.m. on Friday and 11 a.m. to 1 a.m. on Saturday. Seeking alco bev sales for event 12 rest 12 security by mpd. past concerned about hours and noise levels. no loud noise complaints last year, one ped accident one pi total for whole event. meet all requirements staff rec approval. Lacy what fee to charge? Tina Jauz commons are \$3,000 set up close down actual days of event clean up rental. Lacy with recent election ahve to find ways to increase revenue. Tina varies form day to day.

Mayor Morales opened the public hearing at 10:15 a.m.

Edwin Jaquez 4th year for blowout, 5611 San Saqba, great event tx country on friday and requesting hour extention. heavy security as always. well staffed. requested approval of ext. Love attended last year run tight ship.

There being no one else wishing to speak, the public hearing was closed at 10:16 a.m.

Council Member Love moved to adopt Resolution No. 2017 - 140; 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.

17. Hold a public hearing and consider an ordinance on first reading on a request by Gene Austin, for a Special Exception, to the City of Midland Zoning Code concerning the front yard setback on Lots 7, 8, 9, and 10, Block 27, Gardens Addition, City and County of Midland, Texas. (Generally located northwest of the intersection of West Illinois Avenue and Sunset Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9665

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 7, 8, 9, AND 10, GARDENS ADDITION, BLOCK 27, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF WEST ILLINOIS AVENUE AND SUNSET STREET), BY PERMITTING A REDUCED FRONT 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. 9665.

Development Services Director Chuck Harrington gave a brief overview of the item noting located w illinois and sunset st. both sts are road frontages and recognized and to front yards. attempted to erect shade structures to provide protection for daycare students adn need special exception for 2 canopies that will encroach in front yard set back. normally wonder if hardship shown but in situation where children this would be acceptable exception and rec approval.

Mayor Morales opened the public hearing at 10:18 a.m.

Betty Harris 1305 scr 1130 owner of daycare 18 mos to 2.5 year son playground and get pretty hot in summer asking for awning.

There being no one else wishing to speak, the public hearing was closed at 10:18 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9665 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. Hold a public hearing and consider an ordinance on first reading on a request by Mary Lou Hartman for a special exception, to allow a non-permitted manufactured home in an AE, Agriculture-Estate District, on Lot 2, Block 1, Rocking "M" Ranch Addition, City and County of Midland, Texas. (Generally located northeast of the intersection of Todd Drive and East County Road 77.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9666

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 2, BLOCK 1, ROCKING M RANCH ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF TODD DRIVE AND EAST COUNTY ROAD 77), BY PERMITTING THE USE OF A MANUFACTURED HOME AS A FIXED DWELLING; 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. 9666.

Development Services Director Chuck Harrington gave a brief overview of item noting AE does not allow for mfgd homes to be locate din district. applicant proposing ot put in , ssep lots for ranch hand type person to provide housing for those people. neighborhood significant number of mfged homes still there she will reside in house next to that one. asking special exception. Staff received no loj and in view of neighborhood make up staff rec approval of request. Lacy already been isntalled? Chuck doesn't know.

Mayor Morales opened the public hearing at 10:21 a.m.

Mary Lou Hartman, 2012 todd rd, not installed but going to have it done. There being no one else wishing to speak, the public hearing was closed at 10:22 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9666 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.

19. Hold a public hearing and consider a resolution on a request by Midland Hispanic Chamber of Commerce, for a Temporary Land Use Permit, for a Family Festival and Concert, at Hogan Park. (Generally located northeast of the intersection of North Lamesa and Hogan Park Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 141

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FAMILY FESTIVAL AND CONCERT ON HOGAN PARK, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF NORTH LAMESA ROAD AND EAST WADLEY AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting Midland hisp chamber for mex tex hogan park, larger event fri 8-12 sat 8-1. propose set up thurs 2-10 take down sunday. fri and sat proposed also. 10 peace officer and 74 port restrooms. parking agreement with claydesta for parking throughout event with shuttle back and forth. staff rec approval notes that music turned down at 10 p.m. Rachel Stone rep and resp for ensuring conditions are observed and satisfied. Morales stage faced toward north. Lacy what charge? Tina This isn't a rental property for rent charged \$3,000.

Mayor Morales opened the public hearing at 10:24 a.m.

Rachel Stone 1900 N Pecos, this is annual event its growing in different areas. called all the time from different cities to help them start theirs. very excited about celebrating 30th year. will have people start in very beginning to see how much grown. having softball tournament, golf tournament and soccer tournament hoping to bring in hoping city, restaurants and malls are busy. Mayor how many attend. rachel last year 8,000. A lot of positive input moving to hogan. rachel 64 potties and cleaning company clean in every night after event and private security but majority pd or sheriff.

cph 10:27 a.m.

Council Member Lacy moved to adopt Resolution No. 2017 - 141; 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 first reading on a request by Trish Liles for approval of a Special Exception from the City of Midland Zoning Ordinance, Section 11-1-7. Area, yard, structure, parking, and miscellaneous lot and use regulations, concerning side yard setbacks on Lot 7, Block 5, Urbandale Addition, City and County of Midland, Texas. (Generally located northeast of the intersection of North J Street and Douglas Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9667

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 7, BLOCK 5, URBANDALE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF NORTH J STREET AND DOUGLAS AVENUE), BY PERMITTING A REDUCED SIDE YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9667.

Development Services Director Chuc Harrington gave a brief overview of the item noting request special exception to reduce 20 yard side yard set back will reduce to zero on side yard side. garage door facing house not accessing garage from J st. Older lot recorded prior to 1963. normally not supportive but other occasions in nearby block with similar conditions that access garage from st. circulated for review and signed out by other dept. staff rec approval subject to site plan as final layout of property.

Mayor Morales 10:29 a.m.

Roger Lindsay 1513 Community Lane, is this garage going to put structure closer to J Street. Sharla it's exactly where other building is on corner.

Trish Lyles, 12 Lafayette Pl, looking to replace existing structure in same footprint. worked with p7z and altered plans to meet their needs. there are other homes in neighborhood with same set up with carport swing into garage. Morales asked Hotchkiss if saw. Hotchkiss intimately aware. brought neighbors in back to make sure they are okay and delighted to have property updated. tear down house delighted to have new neighbor.

There being no one else wishing to speak, the public hearing was closed at 10:31 a.m.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9667 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 first reading on a request by Frank

Richardson/Pross Design Group for a Zone Change from PD, Planned District for a Transition District to LR-2, Local Retail District on Lot 2-A, Block 3, Corporate Plaza, Section 19, City and County of Midland, Texas. (Generally located south of Spring Park Drive, approximately 348-feet west of Edwards Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9668

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2-A, BLOCK 3, CORPORATE PLAZA, SECTION 19, 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 SOUTH OF SPRING PARK DRIVE, APPROXIMATELY 348 FEET WEST OF EDWARDS 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 Lopez read the caption of Ordinance No. 9668.

Development Services Director Chuck Harrington gave a brief overview of the item noting pd to lr2 zone change. directly across street in indoor gun range and applicant is wishing to expand opportunities directly across street. put in small retail center. Zone change is in conjunction with following request done seperately. reviewed by nec depts no obj to request no loj received. staff rec approval.

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

Frank Richardson, 100000 Waterstone Way McKinney, rep james grip owbner of gun clubn across streety and ower of property. intention to devleop small retail center on property as adjucnct to property at gun club. nothing associated with gun club happenign on land strictly retail acility and perhaps restaurant. working out details. MOrales what will facade look like of gun range. Frnak concrete wall s will be textured and paitned. front of building will be framed and a combination of archtectural horizontal metal siding and austin stone and a lot of large glass areas and covered porch over front door.

There being no one else wishing to speak, the public hearing was closed at 10:35 a.m.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9668 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.

22. Hold a public hearing and consider an ordinance on first reading on a request by North Midland Development Corporation and Dakota Resources Inc. for a zone change from 1F-1, One-Family Dwelling District, to LR-2, Local Retail District on Lot 4, Block 8, Brookshire Village Addition, Section 3, and including, a 2.4109 acre tract of land out the west ½ of the southeast ¼ of Section 14, Block 39, T-1-S, T. & P. RR. CO. Survey, City and County of Midland, Texas. (Generally located northwest of the intersection of Fiesta

Avenue and Edwards Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9669

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 4, BLOCK 8, BROOKSHIRE VILLAGE ADDITION, SECTION 3, AND A 2.4109-ACRE TRACT OF LAND OUT OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 14, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF FIESTA AVENUE AND EDWARDS 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 Lopez read the caption of Ordinance No. 9669.

Development Services Director Chuck Harrington gave a brief overview of the item noting tied to previous ph. they want to rezone property to south to offer mobility for more retail and extra property for property to north to ensure adequate parking. Rev by all staff members no obj. no loj received staff rec approval.

Mayor Morales opened the public hearing at 10:37 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. 9669 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 first reading on a request by Bruce Frank for a zone change from AE, Agriculture Estate District to O-1, Office District, on a 7.19-acre tract of land out of Sections 1 & 2, Block X, HP Hilliard Survey, City and County of Midland, Texas. (Generally located southwest of the intersection of Solomon Lane and North Big Spring Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9670

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 7.19-ACRE TRACT OF LAND OUT OF SECTIONS 1 AND 2, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOLOMON LANE AND NORTH BIG SPRING STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9670.

Development Services Director Chuck Harrington gave a brief overview of the item noting zone change speculative in nature. property zoned AE not much residential use orig requested LR2 staff opposed too much traffic. During p7z hearing no opponents to request. received 10 loj. applicant rec issue in neighborhood and agreed to move back to O1 which is less intense zoning and allow p7z to amek recommendation to city council to be zoned o-1. Love this is little strip of land but how make connection from O-1 to zoning without considered spot zoning. Chuck in this case in size of tract. this offers buffer of residential to west less intense zoning. Love hear what your saying didn't address asked atty. John O for somethign to be spot zoning it would have to be deemed arbitrary and capricious in light of his arguemnts basis for O-1 and not spot zoning.

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. 9670 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, Lacy, Robnett. NAY: None. ABSTAIN: Dufford. ABSENT: None.

24. Hold a public hearing and consider an ordinance on first reading on a request by Maverick Engineering for an approval to repeal Ordinance No. 9417 an ordinance vacating and abandoning 28.725 acres of Right-of-Way within Pavilion Park Addition, Section 2, City and County of Midland, Texas. (Generally located southeast of the intersection of Mockingbird Lane and Stonebridge Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9671

AN ORDINANCE VACATING AND ABANDONING 28.725 ACRES OF RIGHT-OF-WAY WITHIN PAVILION PARK ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF MOCKINGBIRD LANE AND STONEBRIDGE DRIVE); ADOPTING THE CITY MANAGER'S DETERMINATION THAT THE FAIR MARKET VALUE OF SAID RIGHT-OF-WAY IS EXCEEDED BY THE FAIR MARKET VALUE OF 33.271 ACRES TO BE DEDICATED BY THE PROPERTY OWNER TO THE CITY FOR RIGHT-OF-WAY AND DRAINAGE PURPOSES; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9671.

Development Services Director Chuck Harrington gave a brief overview of the item noting came back April 2015 orig ord stated before vacation final plat had to be finalized. want to final plat in line with preliminary plat and show streets being realigned. Since time new oil well sdrill making some of proposed streets unbuidling. offers opportunity to make changes. most use of land with larger drainage bldg. rec orig vacation be done per preliminary plat in phases.

Mayor Morales opened the public hearing at 10:44 a.m.

Robert Rendall 6 Desta Dr 10:45, here on behalf of owner don't have objection to whats being proposed confirm there is an alley way that goes west to eastt on property want to make sure alley has not been abandoned by city. reason most of final park remainder under preliminary plat relies on alley to service residential lots. what to ensure alley still in palce other wise have to go back in and redisgn their subdivision. Chuck alley is not part of the vacation. Jessica section 8 is on sw corner. talking about vacant area on southern edge. currently under section 8 it will be impacted with section 10 but section 10 doing ot plat in phases. Question about whether exhibit b shows the alley. Chuck can make a stipulation. John O ex B does not appear to show an alley and will be incorporated into document so it needs to be addressed.

Palladin huckba with maverick engineer rep developer did design on subdivision. has been addressed verbally over phone don't know if seperate instrcument. at moment looking ot carve out a portion to facilitate sale including 17 acres of detention. Exhibit B shows half of 20 foot alleyway. linework may be so small. alley shows in exhibit A but not B (Lacy) Hotchkiss can we state there needs to be an alley. John O needs to be a document. Chuck they wiull have a revised drawing for second reading. not intent to vacate.

There being no one else wishing to speak, the public hearing was closed at 10:51 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9671 in accordance with the Charter of the City of Midland with amendment ensuring that southern alley is not vacated on exhibit.; 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.

MISCELLANEOUS

25. Consider an ordinance on first reading amending Title X, "Traffic Regulations", Chapter Four, "Traffic Control Devices", Section 11, "School Zones and Crossings", of the Midland City Code, so as to retitle Section 11 as "School Zones" and to designate each school zone within the City and regulate the speed and movement of traffic therein; authorizing and directing the Traffic Engineer to install appropriate signs and markings; repealing Ordinance No. 9595; 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. 9672

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER FOUR, "TRAFFIC CONTROL DEVICES", SECTION 11, "SCHOOL ZONES AND CROSSINGS", OF THE MIDLAND CITY CODE, SO AS TO RETITLE SECTION 11 AS "SCHOOL ZONES" AND TO DESIGNATE EACH SCHOOL ZONE WITHIN THE CITY AND REGULATE THE SPEED AND MOVEMENT OF TRAFFIC THEREIN; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 9595; 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

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9672.

Miek Pacelli n gave a brief overview of the item noting update to school zone ord. last had august of last eyar. few changes reviewed key points a lot adjustment nothing dramatic. start and end time adjusted slightly to update for bell schedules. like 30-45 minutes before adn safter school times. Other change met with misd rep in support of all changes, go form all day school zone with split time at 2 locations where on arterial streets and has detrimental effect on traffic with no effect abel and bowie. rest of school continue to run all day. elim one school zone at griffin and Booth assoc with south elementary school district supported elim. one chang eon private school Hlllander on wadley and l 3 spilit zones 11-12:30 through lunch traffic but bsd on traffic no longer classes starting or endingin that time period so removing that time period. Keep morning and afternoon slightly adjusted. changes in format consoidating into one list easier ot find and update. no new school only one removal. no changes asociated with school districts changes at crowly hold off and see what happens. (crockett) Mayor police notified? Mike will notify but have not coordinated. these are time of day adjustment not affect patrol. Morales on Fasken all addressed? Mike still crowded assig. haven't heard any complaints traffic related still crowded.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9672 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.

26. Approved a motion selecting a backfill option for the site of the former Midland County Courthouse; authorizing the City Manager to execute a change order or other appropriate agreement therefor; and authorizing payment therefor from currently available funds. (PURCHASING)

Council Member Dufford moved to approve selecting backfill option 1 for the site of the former Midland County Courthouse; authorizing the City Manager to execute a change order or other appropriate agreement therefor; and authorizing payment therefor from currently available funds; 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.

PUBLIC COMMENT

27. 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.)

HUdson??? 1900 ?? not sure if appearing right protocol intersection of Holloway and Indiana 11:01 there are two vacant lots irrigated by City assume belong to City serve no use to anybody for as long as I've lived here. There used to be kids using it to fly kites

play soccer. trees died and removed fallen into disuse. Want to bring up somebody introduced prairie dogs to these lots in the heritage district. They are now 3 generations of prairie dogs there (pups 3 litters) anybody who lived on ranch knows damage done to everything amount of time before outgrow forage available on little lot matter time before jump to residential lawns and tear up residential values and feel time for city to do something about them. Mayor will look at location and see what is going on.

There were no other citizens wishing to speak.

Meeting adjourned at 11:04 a.m.

EXECUTIVE SESSION

28. 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:

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