

**MIDLAND CITY COUNCIL  
MINUTES  
May 24, 2016**

**BRIEFING SESSION**

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at \_\_\_\_ a.m. on May 24, 2016.

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

Council Members absent: None.

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

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

**REGULAR SESSION**

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at \_\_\_\_ a.m., May 24, 2016.

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

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

The Agenda Items were heard in the following order:

**OPENING ITEMS**

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

### **PRESENTATIONS**

- A. Mayor
- B. Robnett
3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:  
  
Recognized Assistant City Manager Robert Patrick for dedicated work to City of Midland.
  - a. Presentation of a Proclamation for Motorcycle Awareness Month.
  - b. Presentation for proclamation for Bryce Hoppel

### **CONSENT AGENDA**

- Council Member Sparks moved to approve Consent Agenda items 4 - 17 excluding 6, 13; 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.
4. Approved a motion approving the following minutes:
    - a. Regular meeting of May 10, 2016.
  5. Approved a resolution approving the purchase of Flexible Base Caliche from CSA Materials, Inc. through Texas Smart Buy Contract 750-A1 for a total cost of \$50,278.40 for the Transportation Division. (PURCHASING)

- RESOLUTION NO. 2016 - 150  
RESOLUTION APPROVING THE PURCHASE AND DELIVERY OF FLEXIBLE BASE CALICHE FOR THE TRANSPORTATION DIVISION FROM CSA MATERIALS, INC., THROUGH TXSMARTBUY AT A TOTAL COST OF \$50,278.40
7. Approved a resolution approving the issuance of a Request for Proposal (RFP) for a Full Service Alarm Management Company to manage all aspects of the City's alarm ordinance. (PURCHASING)

- RESOLUTION NO. 2016 - 152  
RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR ALARM MANAGEMENT SERVICES; SAID SERVICES WILL PROVIDE FOR THE MANAGEMENT OF ALL ASPECTS OF THE CITY'S ALARM PROGRAM
8. Approved a resolution approving a contract with Reece Albert, Inc. for the City of

Midland Paving: Alleys, Streets & Sidewalks (COMPASS) Project in the amount of \$3,089,814.00 for the Engineering Department. (PURCHASING)

RESOLUTION NO. 2016 - 153

RESOLUTION AWARDED A CONTRACT FOR THE CITY OF MIDLAND PAVING: ALLEYS, STREETS, AND SIDEWALKS ("COMPASS") PROJECT TO REECE ALBERT, INC. OF MIDLAND, TEXAS, AT A TOTAL COST OF \$3,089,814.00; APPROPRIATING AND TRANSFERRING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

9. Approved a resolution authorizing an amendment of a Professional Services Agreement with Maverick Civil & Survey LLC, dba Maverick Engineering to provide the survey and all other civil engineering design at the intersection of "A" Street and Wadley Avenue for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 154

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH MAVERICK CIVIL & SURVEY, LLC, DOING BUSINESS AS MAVERICK ENGINEERING, FOR SURVEYING AND CIVIL ENGINEERING DESIGN SERVICES RELATED TO THE RECONSTRUCTION OF THE INTERSECTION OF WEST WADLEY AVENUE AND NORTH A STREET; SAID AMENDMENT PROVIDING FOR STATE AUDITOR REVIEW, COST PRINCIPLES, EQUAL EMPLOYMENT OPPORTUNITY, NONDISCRIMINATION, NON-COLLUSION, LOBBYING CERTIFICATION, AND COMPLIANCE WITH LAWS

10. Approved a resolution authorizing an amendment of a Professional Services Agreement with Stantec Consulting Services, Inc. to provide the design for temporary (construction) and permanent traffic signals at the intersection of "A" Street and Wadley Avenue for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 155

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN STANTEC CONSULTING SERVICES, INC. FOR TRAFFIC SIGNAL DESIGN SERVICES RELATED TO THE RECONSTRUCTION OF THE INTERSECTION OF WEST WADLEY AVENUE AND NORTH A STREET; SAID AMENDMENT PROVIDING FOR STATE AUDITOR REVIEW, COST PRINCIPLES, EQUAL EMPLOYMENT OPPORTUNITY, NONDISCRIMINATION, NON-COLLUSION, LOBBYING CERTIFICATION, AND COMPLIANCE WITH LAWS

11. Approved a resolution rejecting the sole proposal for purchase and installation of fiber optic cable from the Loraine Center to the new Municipal Court building for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2016 - 156

RESOLUTION REJECTING THE SINGLE PROPOSAL RECEIVED FROM FREEDOMS COMPUTER CABLING AND ELECTRIC CONTRACTOR OF MIDLAND, TEXAS, IN THE AMOUNT OF \$225,400.00 FOR THE PURCHASE AND INSTALLATION OF FIBER OPTIC CABLE FROM THE LORAINE CENTER TO THE NEW MUNICIPAL COURT BUILDING

12. Approved a resolution authorizing the City Manager to negotiate and execute a contract with Grande Communications for Metropolitan Area Network Service for the new Municipal Court building. (PURCHASING)

RESOLUTION NO. 2016 - 157

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH GRANDE COMMUNICATIONS OF MIDLAND, TEXAS, FOR METROPOLITAN AREA NETWORK SERVICE AT A TOTAL COST NOT TO EXCEED \$32,400.00; AND AUTHORIZING PAYMENT THEREFOR

14. Approved a resolution authorizing the execution of a Workforce Housing Incentive Agreement with Midland Habitat for Humanity. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 159

RESOLUTION AUTHORIZING THE EXECUTION OF A WORKFORCE HOUSING INCENTIVE AGREEMENT WITH HABITAT FOR HUMANITY FOR THE DEVELOPMENT OF SINGLE-FAMILY RESIDENTIAL CONSTRUCTION IN THE CITY AND COUNTY OF MIDLAND, TEXAS; SAID AGREEMENT BEING AUTHORIZED BY CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE; ESTABLISHING AN INCENTIVE PROGRAM FOR THE CONSTRUCTION OF SINGLE-FAMILY WORKFORCE HOUSING; APPROPRIATING FUNDS IN THE AMOUNT OF \$243,000.00; AND AUTHORIZING PAYMENT THEREFOR

15. Approved a resolution authorizing the execution of a Public Improvement Development Agreement between the City of Midland and Stripes, LLC in the amount of \$360,837 for the purpose of constructing a Water Main and Sewer Main in West 191 Industrial Park, Section 3; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 160

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH STRIPES, LLC FOR DEVELOPMENT OF WEST 191 INDUSTRIAL PARK, SECTION 3, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF STATE HIGHWAY 191 AND FARM TO MARKET ROAD 1788); AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$360,837.00; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

16. Approved a resolution authorizing the execution of an amendment to the Right-of-Way License between the City of Midland and Oryx Southern Delaware Oil Gathering and Transport, LLC., dated March 23, 2016; said amendment will permit a route adjustment located on City of Midland property, Sections 8 and 9, Block 38, T-2-S, T&P RR Co. Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 161

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ORYX SOUTHERN DELAWARE OIL GATHERING AND TRANSPORT, LLC

17. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland, Midland County, and Dawson Geophysical Company, said Right-of-Way License is to allow a preexisting temporary building to remain in future Right-of-Way, until such time as the City of Midland or Midland County, goes out to bid for developing a road in said right-of-way, the structure is located on Section 18, Block 39, T&P RR Co. Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 162

RESOLUTION AUTHORIZING THE EXECUTION OF A TEMPORARY LICENSE BETWEEN THE CITY OF MIDLAND, DAWSON GEOPHYSICAL COMPANY AND MIDLAND COUNTY; SAID LICENSE TO ALLOW A BUILDING TO REMAIN IN ITS CURRENT LOCATION TEMPORARILY IN EXCHANGE FOR THE DEDICATION OF RIGHT-OF-WAY FOR A FUTURE ROADWAY LOCATED IN THE CITY OF MIDLAND'S EXTRATERRITORIAL JURISDICTION IN SECTION 18, BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND DIRECTING THE CITY SECRETARY TO FILE SAID LICENSE IN THE OFFICIAL RECORDS OF MIDLAND COUNTY

6. Approved a resolution approving a contract with Jones Bros. Dirt & Paving Contractors for the City of Midland Beal Parkway Improvement Project in the amount of \$1,205,739.32 for the Engineering Department. (PURCHASING)

RESOLUTION NO. 2016 - 151

RESOLUTION AWARDED A CONTRACT FOR THE BEAL PARKWAY PAVING PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST OF \$1,205,739.32; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

Lacy pulled to thank Mr. Carr and eng team. 300,000 lower than anticipated.

Council Member Lacy moved to adopt Resolution No. 2016 - 151; 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.

13. Approved a resolution suspending Sharyland's proposed rate increase and hire Geoffrey Gay with Lloyd Gosslink to represent the City in this case before the Public Utility Commission. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2016 - 158

RESOLUTION SUSPENDING THE EFFECTIVE DATE OF THE APPLICATION OF SHARYLAND UTILITIES, L.P. ("SHARYLAND") TO CHANGE RATES; APPROVING COOPERATION WITH OTHER SIMILARLY-SITUATED CITIES SERVED BY SHARYLAND; AUTHORIZING LLOYD GOSSELINK ROCHELLE & TOWNSEND, P.C. ("LLOYD GOSSELINK") TO NEGOTIATE WITH SHARYLAND AND TO DIRECT ANY NECESSARY LITIGATION AND APPEALS; AUTHORIZING INTERVENTION IN PUBLIC UTILITY COMMISSION DOCKET NO. 45414; REQUIRING REIMBURSEMENT BY SHARYLAND OF REASONABLE RATE CASE EXPENSES;

FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO SEND A COPY OF THIS RESOLUTION TO SHARYLAND AND LLOYD GOSSELINK

Love pulled for staff to give brief update. Asking to suspend effective date so consultant have opportunity to verify information. Frank Salvato, Sharyland has submitted a rate case before Council has to take action to approve, suspend or deny. Rates will go up willing to reimburse 3M residential but commercial will go up. Attorneys are trying to see if can get more of a rate reduction than \$3M. Recommending suspending don't want current people thinking against getting a rebate. Love if suspend what is next step. Frank at PUC through admin law judge, hearings and papers. Eventually PUC will rule. Courtney very lengthy process but Sharyland will have to prove up rate increase so a lot of back and forth. Love it won't come back before Council to approve. Frank it could in the future, yes. Dufford any other Cities? Courtney this one only Midland. When in on it's a coalition.

Council Member Love moved to adopt Resolution No. 2016 - 158; 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.

## **SECOND READINGS**

18. Consider an ordinance on second reading on a request by La Mision for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, in Lot 7, less the west 5 feet, and Lots 8 through 10, Block 20, Belmont Addition, City and County of Midland, Texas. Generally located northeast of the intersection of Rankin Highway and West Francis Avenue.) (DEVELOPMENT SERVICES) (First reading held on May 10, 2016)

### **ORDINANCE NO. 9568**

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 7, LESS THE WEST FIVE FEET, AND LOTS 8, 9 AND 10, BLOCK 20, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF RANKIN HIGHWAY AND WEST FRANCIS AVENUE), WHICH IS PRESENTLY ZONED LR-3, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF 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. 9568.

Chuck Harrington, confusion at last meeting. Went back visited with TABC to see how regulated. Recommend changing to remove conditions on serviceable area, remove

hours put in there separate for Jarvis and one building no matter how many businesses have. They view as one building not two separate permits for them. want to add condition of limited hours of m-s 7-2 am sun ??? 10:27 a.m. Love has memo to make motion correctly.

Sparks not okay with 2 am 1 am is okay with her and not proper place. this would make 3 restaurants that are open until 2 am not comfortable. Hotchkiss start a trend because no one wants to miss out. Love how many rest serve alcohol until 2.

Morales if have people come out.

Council Member Love moved to approve the second and final reading of Ordinance No. NUMBER> in accordance with the Charter of the City of Midland with the amendment to remove condition that limits the serviceable area, remove the condition that pertains to the days and hours of alcoholic beverage sales and consumption in Jarvis's Cocina and the Main Dining area; and add condition limiting the days and hours of alcoholic beverage sales and consumption of the property to Mon-Thurs from 10:00 a.m. to 12 midnight and on Friday - Sunday 10:00 a.m. to 2:00 a.m. the following day; seconded by Council Member Lacy.

Love admin approved. with other rest put in stipulation of 6 month review asked if would be more comfortable with 6 month review. Voting no if amended.

Sparks what do we want the town to look like? Morales restaurant that sells alcohol makes town look different. Morales oil company that drill in city limit is appropriate? Sparks yes with restrictions. Dufford grew up in town where had shift workers and have to shift hours, get whole idea of what trying to do as grow will have more shift workers. Think everybody ought to have an opportunity. Robnett think that's a small percentage if prerequisite to serve food with meal. Hotchkiss if go by get off work and been up that long. Dufford people need to take personal responsibility to make sure folks aren't overserved no matter what time of day. Sparks understand and not necessarily saying you're wrong but not what he believes. Love in regard to Monday through Thursday. Lacy have problem with 7 a.m. start and 2 a.m. Love reasonable to limit hours from mon-thur to midnight and Friday and Sat to 2 a.m. Lacy suggest defer and have more time to think about and vote on at next meeting. Morales if it fails? John mon say Steve is saying midnight. Love this is a business in his district deferral would be costly to them but trying to see what would agree to today. John if current permit is expired then cannot sell alcohol because nothing to fall back to.

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

19. Consider an ordinance on second reading on a request by Clifford Ray/Permian Sign Company for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District on Lot 1, Block 45, Fairmont Park Addition, Section 10, City and County of Midland, Texas. (Generally located on the west side of North Midland Drive, approximately 390-feet north of Fairbanks Drive.) (DEVELOPMENT SERVICES) (First reading held on May 10, 2016)

ORDINANCE NO. 9569  
AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING

CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 45, FAIRMONT PARK ADDITION, SECTION 10, 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 NORTH MIDLAND DRIVE, APPROXIMATELY 390 FEET NORTH OF FAIRBANKS DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9569.

Harrington one item created need was elevation of the building in original ordinance. Didn't have that particular portion. Ask amend ord to change section 2b eliminate elevation from that section.

Council Member Dufford moved to approve the second and final reading of Ordinance No. NUMBER> in accordance with the Charter of the City of Midland with amendment to Change Section Two B to remove the requirement of conformity to the elevation plan.; 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.

20. Consider an ordinance on second reading on a request by Midland Neme's LLC for a Specific Use Permit with Term for the sale of alcoholic beverages, for on-premises consumption, in a restaurant on a 500 square foot portion of Lot 1, Block 1, Claydesta Plaza North, Section 4, City and County of Midland, Texas. (Generally located southwest of the intersection of West Loop 250 North and North Big Spring.) (DEVELOPMENT SERVICES) (First reading held on May 10, 2016)

#### ORDINANCE NO. 9570

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 500-SQUARE FOOT PORTION OF LOT 1, BLOCK 1, CLAYDESTA PLAZA NORTH, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST LOOP 250 NORTH AND 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

amend ord to change section 2b eliminate elevation from that section 9570.

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

Sparks don't serve food after 2 p.m. Chuck will change hours after this approved.

George Villos 4400 N Big Spring, question on penalty of \$2,000 basically have problem with so many type of places in Big Spring wanted to have more info. John City Code penalty provision standard in all ord. if in violation can be cited and prosecuted through City Municipal Court. Jorge.

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

21. Consider an ordinance on second reading on a proposed ordinance amending Title V, "Business Regulation," Chapter 12, "Transportation Network Companies," of the Midland City Code. (CITY MANAGER'S OFFICE) (First reading held on May 10, 2016)

ORDINANCE NO. 9571

AN ORDINANCE AMENDING TITLE V, "BUSINESS REGULATIONS", CHAPTER 12, "TRANSPORTATION NETWORK COMPANIES", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO AMEND THE PROGRAM TO REGISTER AND REGULATE TRANSPORTATION NETWORK COMPANIES WITHIN THE CITY OF MIDLAND; NEGATING AND DISPENSING WITH THE CULPABLE MENTAL STATE REQUIREMENT; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE OF JUNE 1, 2016

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9571.

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

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

Police met with members of taxi for input and bring something back near future. Love taxi owners and drivers live here and majority of drivers stay here where uber leave town

## **PUBLIC HEARINGS**

22. Hold a public hearing and consider an ordinance, on a request by Mockingbird Oaks Development, LLC for a zone change from FD, Future Development District, in part, and 1F-3, One-Family Dwelling District, in part, to PD, Planned District for a Housing Development, on a 45.18-acre tract of land; and to O-1, Office District, on a 3.65-acre tract of land, all out of Section 25, Block 40, T-1-S, T&P Railroad Company, Survey, City and County of Midland, Texas. (Generally located on the south side of Briarwood Avenue, approximately 900-feet west of Holiday Hill Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9572

ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER

ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 45.18-ACRE TRACT OF LAND OUT OF SECTION 25, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, IN PART, AND 1F-3, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; PERMITTING A 3.65-ACRE TRACT OF LAND OUT OF SECTION 25, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS AN O-1, OFFICE DISTRICT; SAID TRACTS BEING GENERALLY LOCATED ON THE SOUTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 900 FEET WEST OF HOLIDAY HILL 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

Chuck Harrington this old future dev applicant want to move forward with pd for housing dev with one small portion be left as O-1. They are prop to deve like rest of dev in area ext of what is already existing. Big difference is master plan in effect. placing 151 single family lot sin area for development. Once piece asking for O-1 on east side of proeprty and is prime location for light office use which meet socmp plan. p7z rec approval and rec no loj.

Mayor Morales opened the public hearing at 11:00 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. NUMBER> in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

23. Hold a public hearing and consider an ordinance on a request by Alli Bixler for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 4,472-square foot portion of Lot 1, Block 8, Polo Park Addition, Section 3, City and County of Midland, Texas. (Generally located southeast of the intersection of North Garfield Street and Castleford Road.) (DEVELOPMENT SERVICES)

#### ORDINANCE NO. 9573

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4,472-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH GARFIELD STREET AND CASTLEFORD ROAD), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A

MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9573.

Development Services Director Chuck Harrington gave a brief overview of the item noting for new bakery restaurant. 4472 sq ft. orig discussed thur- sat 7 a.m. to 2 a.m. closing. They requested 11 p.m. closing on application. 7 a.m. is what applied for. Staff received no objections and rec approval.

Mayor Morales opened the public hearing at 11:03 a.m.

Alli Bixler, 5205 Ellen Jay Way, primarily coffee shop and bakery like to sell beer and wine mostly in evening and extended hours on weekend. Lacy agreeable to start at 10 a.m.? agreeable to 11 p.m., alli yes.

There being no one else wishing to speak, the public hearing was closed at 11:04

Council Member Lacy moved approval of the first of two readings of Ordinance No. NUMBER> in accordance with the Charter of the City of Midland with amendment to change Mon-Wed 10 a.m. - 7 p.m. thur-Sat 10 a.m. to 11 p.m.; 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

24. Consider an ordinance establishing intersection stops at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; 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. 9574

AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE DESIGNATED LOCATIONS; 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. 9574.

Traffic Engineer Mike Pacelli gave a brief overview of the item noting standard stop sign ordinance. There are 98 locations listed to convert from yield to stop. There are 32 locations added for new stop signs. 2 going from 2 way to all way at Oak/Benton and other Neeley/I both intersections of two collector streets. Only additional comments Neely and I very short school zone not adjacent to school very little crossing no longer

need for pedestrians to cross free flow so remove sschool zone crossing but remove official school crossing. IN future ord update when change school zones official remove. Until then not enforceable. Robnett how many stop signs between Neely and between Garfield and A. Mike none. this will be force.

Lacy school zone on cuthbert to see if can be pushed further west.

Mike one other location traffic signal at ? rec removal of traffic signal and replace with stop sign on Loraine the single lowest volume signal in entire city. one way flow in Texas Loraine oppositie centennial plaza. Meantime put in stop sign and weave existing equipemnt in yellow until reconstructed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. NUMBER> 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 establishing yield right-of-way signs at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; 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. 9575

AN ORDINANCE ESTABLISHING YIELD RIGHT OF WAY SIGNS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; REQUIRING AND AUTHORIZING THE POSTING OF APPROPRIATE SIGNS AT SAID INTERSECTIONS; 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

Mike Pacelli companion to previous

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. NUMBER> 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.

26. Approved a motion recommending an individual for appointment by the Mayor as the resident commissioner of the Midland Housing Authority. Approved a motion making appointments to various other boards and commissions.

Council Member Love moved to appoint Olivia Young to Housing Authority Board; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales,

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

**PUBLIC COMMENT**

none.

Meeting adjourned 11:16 a.m.

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.

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

PASSED AND APPROVED the \_\_ day of \_\_\_\_, 2016.

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Jerry F. Morales, Mayor

ATTEST:

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Amy M. Turner, City Secretary