

**MIDLAND CITY COUNCIL
MINUTES
June 13, 2017**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on June 13, 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., June 13, 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

cto 10 00

1. Invocation - Msgr. Larry J. Droll, Pastor, St. Ann's Catholic Church
2. Pledge of Allegiance

PRESENTATIONS

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

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 4 - 27 excluding 6, 10, 11, 14; 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 City Council meeting of May 23, 2017
 - b. Special City Council meeting of May 30, 2017
5. Approved a resolution awarding a contract to All City Management Services Inc. for Crossing Guard Services for the Administrative Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 142

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ALL CITY MANAGEMENT SERVICES, INC., OF SANTA FE SPRINGS, CALIFORNIA, FOR SUPPLYING SCHOOL CROSSING GUARD SERVICES FOR THE ADMINISTRATIVE SERVICES DEPARTMENT, AT A TOTAL COST OF \$546,249.00 PER YEAR

7. Approved a resolution ratifying the emergency purchase of screens for the Membrane Bioreactor (MBR) Reclaimed Water Production Facility for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 144

RESOLUTION APPROVING A CONTRACT WITH HUBER TECHNOLOGY, INC., FOR THE PURCHASE OF SCREENS FOR THE MEMBRANE BIOREACTOR RECLAIMED WATER PRODUCTION FACILITY FOR THE UTILITIES DEPARTMENT AT A TOTAL

COST OF \$83,292.50

8. Approved a resolution awarding a professional services agreement to Enprotec/Hibbs & Todd, Inc. to provide services to evaluate and design the plant water and irrigation system improvements at the Membrane Bioreactor (MBR) Reclaimed Water Production Facility for a not to exceed amount of \$85,700.00 for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 145

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD, INC., FOR THE EVALUATION AND DESIGN OF PLANT WATER AND IRRIGATION SYSTEM IMPROVEMENTS AT THE MEMBRANE BIOREACTOR RECLAIMED WATER PRODUCTION FACILITY IN AN AMOUNT NOT TO EXCEED \$85,700.00

9. Approved a resolution awarding a contract to Onyx General Contractors LLC for the Spraberry and Plant Farm Rehabilitation Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 146

RESOLUTION AWARDED A CONTRACT FOR THE SPRAYBERRY FARM AND PLANT FARM REHABILITATION PROJECT TO ONYX GENERAL CONTRACTORS, LLC, IN THE AMOUNT OF \$1,049,379.00

12. Approved a resolution authorizing the advertisement for Request for Proposals to Equip and Operate a Non-Exclusive Fixed Base Operation at Midland Airpark Airport, Midland, Texas. (AIRPORTS)

RESOLUTION NO. 2017 - 149

RESOLUTION AUTHORIZING THE ADVERTISEMENT OF A REQUEST FOR PROPOSALS TO EQUIP AND OPERATE A NON-EXCLUSIVE FIXED BASE OPERATION AT MIDLAND AIRPARK AIRPORT

13. Approved a resolution authorizing the execution of an agreement with Rock the Desert Ministries, Incorporated to promote tourism and the convention/hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2017 - 150

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ROCK THE DESERT MINISTRIES, INCORPORATED, AS AUTHORIZED BY CHAPTER 351 OF THE TEXAS TAX CODE; FINDING THAT SAID AGREEMENT IS FOR THE PROMOTION OF TOURISM AND THE HOTEL AND MOTEL INDUSTRY; FINDING THAT THE FUNDS PROVIDED UNDER SAID AGREEMENT SHALL BE EXPENDED IN A MANNER DIRECTLY ENHANCING AND PROMOTING TOURISM AND THE HOTEL AND MOTEL INDUSTRY; AND PROVIDING THAT APPROVAL OF THE AGREEMENT IS NOT TO BE CONSTRUED OR INTERPRETED AS ENDORSING THE MESSAGE OR ACTIVITIES PROMOTED BY ROCK THE DESERT MINISTRIES, INCORPORATED

15. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C.

(Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Mask HZ Unit No 1008H) located 230 feet from the north line and 1,690 feet from the west line located in Section 10, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas. (Generally located 1,624 feet east of North Garfield Street Extension and 1,095 feet north of Passage Way Extension.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 152

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 230 FEET FROM THE NORTH LINE AND 1,690 FEET FROM THE WEST LINE, SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,624 FEET EAST OF NORTH GARFIELD STREET EXTENSION AND 1,095 FEET NORTH OF PASSAGE WAY EXTENSION)

16. Approved a resolution approving the transfer of the Oil and Gas Well Permits and Road Repair Agreements issued to DE Operating LLC (Current Operator). The following permits will be transferred to Parsley Energy Operations, LLC: Moss Partnership "9" No. 1, Moss Partnership "9" No. 2, Smith-Hughes "9" Well No. 1, Smith-Hughes "9" Well No. 2. The Moss/ Smith-Hughes permitted wells are located in Section 9 of Block X, H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the west side of the extension of North Garfield Street, approximately ½ mile north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 153

RESOLUTION APPROVING THE TRANSFER OF CERTAIN OIL AND GAS WELL PERMITS FROM DE OPERATING LLC ("OPERATOR") TO PARSLEY ENERGY OPERATIONS, LLC ("TRANSFeree"); AND APPROVING THE TRANSFER OF THE ROAD REPAIR AGREEMENT REGARDING SAID OIL AND GAS WELL PERMITS FROM OPERATOR TO TRANSFeree; THE OIL AND GAS WELLS BEING MOSS PARTNERSHIP "9" WELL NO. 1, MOSS PARTNERSHIP "9" WELL NO. 2, SMITH-HUGHES "9" WELL NO. 1, AND SMITH-HUGHES "9" WELL NO. 2; SAID OIL AND GAS WELLS BEING LOCATED IN SECTION 9, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF THE EXTENSION OF NORTH GARFIELD STREET, APPROXIMATELY ONE HALF MILE NORTH OF MOCKINGBIRD LANE)

17. Approved a resolution authorizing the assignment of an executed Right-of-Way License Agreement between the City of Midland and DE Operating LLC. The Right-of-Way License Agreement will be transferred to Parsley Energy Operations, LLC from DE Operating LLC (Current Operator), while all other aspects of the Right-of-Way License as listed in Resolution 2013-144 will remain in full force and effect; located in Sections 9 and 10, Block X, HP Hilliard Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 154

RESOLUTION APPROVING DE OPERATING, LLC'S ASSIGNMENT OF AN EXISTING RIGHT-OF-WAY LICENSE TO PARSLEY ENERGY OPERATIONS, LLC, REGARDING CITY-OWNED PROPERTY IN A PORTION OF GARFIELD STREET RIGHT-OF-WAY AND A PORTION OF THE MIDLAND DRAW FLOODWAY LOCATED APPROXIMATELY 1/4 MILE EAST OF PASSAGE WAY IN SECTIONS 9 AND 10,

BLOCK "X", H.P. HILLIARD SURVEY, MIDLAND COUNTY, TEXAS

18. Approved a resolution authorizing an increase in the 2016/17 CDBG Public Service Contract for Mission Health Inc. (Res. 2016-282, Account 700209-060). The Take Home Terrific Program Services will be increased in the amount of \$5,000.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 155

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH MISSION HEALTH CARE, INCORPORATED FOR THE TAKE HOME TERRIFIC PROGRAM; SAID AMENDMENT INCREASING THE CONTRACT AMOUNT TO \$20,000.00; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

19. Approved a resolution authorizing an increase in the 2016/17 CDBG Public Service Contract for Casa de Amigos Inc. (Res. 2016-280 Account 700208-060). The Home Cleaning Program Services will be increased in the amount of \$1,000.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 156

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH CASA DE AMIGOS, INC. FOR THE HOME CLEANING PROGRAM; SAID AMENDMENT INCREASING THE CONTRACT AMOUNT TO \$33,500.00; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

20. Approved a resolution authorizing an increase in the 2016/17 CDBG Public Service Contract for Senior Link Midland Inc. (Res. 2016-281, Account 700207-060). The Senior Nutrition Program Services will be increased in the amount of \$1,000.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 157

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH SENIOR LINK MIDLAND FOR THE SOUTHEAST SENIOR CENTER AND CASA DE AMIGOS NUTRITION PROGRAMS; SAID AMENDMENT INCREASING THE CONTRACT AMOUNT TO \$67,500.00; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

21. Approved a resolution authorizing the City Manager to enter into an Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) in the amount of \$1,650,000.00 for the construction of North Big Spring Street (BS 349-C) between LP 250 and Martin County Line. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 158

RESOLUTION AUTHORIZING THE CITY OF MIDLAND AND THE STATE OF TEXAS (THE "STATE"), ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION ("TXDOT"), TO PARTICIPATE IN THE REHABILITATION AND WIDENING OF BUSINESS STATE HIGHWAY 349-C AND THE CONSTRUCTION OF

RELATED IMPROVEMENTS (THE "PROJECT"); AUTHORIZING THE EXECUTION OF AN ADVANCE FUNDING AGREEMENT WITH THE STATE, ACTING BY AND THROUGH TXDOT, FOR THE PROJECT; AUTHORIZING PAYMENT TO THE STATE THEREFOR IN AN AMOUNT NOT TO EXCEED \$1,650,000.00; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY A COPY OF THIS RESOLUTION TO TXDOT

22. Approved a resolution to authorize execution of a Public Improvement Development Agreement with Pavilion Midland LLC in the amount of \$224,881 for future design and construction of public improvements for paving and utilities on Mockingbird Lane to serve a portion of Pavilion Park Section 10; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. The subject property is generally located in the region bound by North Big Spring Street, Mockingbird Lane, Solomon Lane, and Fairgrounds Road, in the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 159

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH PAVILION MIDLAND, LLC FOR PAVING, WATER DISTRIBUTION, AND SEWER IMPROVEMENTS ASSOCIATED WITH THE EXTENSION OF MOCKINGBIRD LANE TO SERVE A PORTION OF PAVILION PARK, SECTION 10, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF MOCKINGBIRD LANE, APPROXIMATELY ONE HALF MILE EAST OF BUSINESS STATE HIGHWAY 349-C); AND APPROPRIATING FUNDS THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

23. Approved a resolution authorizing an amendment to a Right-of-Way License between City of Midland and CrownQuest Operating, LLC, said Right-Of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing multiple oil and gas pipelines, and to have the right to ingress and egress at convenient points for such purpose; all facilities are located within the City of Midland property, Section 11, Block 37, T-3-S, T&P RR. Co. Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 160

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND CROWNQUEST OPERATING, LLC

24. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Sunoco Pipeline, L.P., said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing an oil transportation pipeline, not to exceed thirteen (13) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located within City of Midland property, Section 10, Block 38, T-2-S, T&P R.R. Co. Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 161

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND SUNOCO PIPELINE, LP, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 10, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

25. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Navitas Midland Basin, LLC., said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing a gas transportation pipeline, not to exceed thirteen (13) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located within City of Midland property, Sections 16 and 17, Block 38, T1S, T&P R.R. Co. Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 162

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND NAVITAS MIDSTREAM MIDLAND BASIN, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 16 AND 17, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

26. Approved a motion on a request by Maverick Engineering for approval of the proposed Preliminary Plat of The Way, being a 28.975-acre tract of land out of Section 29, Block 38, T-1-S-RR CO. Survey, Midland County, Texas (Generally located on the east side of Todd Drive, approximately 1,800 feet south of East Loop 250 North Extraterritorial Jurisdiction.) (DEVELOPMENT SERVICES)
27. Approved a motion on a request by Schumann Engineering Inc. for approval of the proposed Preliminary Plat of Empire Heights, being a plat of 39.99-acre tract of land out of Section 47, Block 38, T-1-S, T. & P. RR. CO. Survey, Midland County, Texas (Generally located approximately 860 feet north of East County Road 95 Extraterritorial Jurisdiction.) (DEVELOPMENT SERVICES)
6. Approved a resolution approving the issuance of a request for proposals for Concession Services at the Scharbauer Sports Complex Football Stadium for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 143

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR CONCESSION SERVICES AT THE SCHARBAUER SPORTS COMPLEX FOOTBALL STADIUM FOR THE COMMUNITY SERVICES DEPARTMENT

I cy wh t type revenue

Council Member Lacy moved to adopt Resolution No. 2017 - 143; 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.

Mayor announced for piano bar pulled.

10. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Utility Extension Program (UEP) 03 Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 147

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE UTILITY EXTENSION PROGRAM 03 PROJECT; SAID PROJECT WILL PROVIDE FOR THE CONSTRUCTION OF UTILITY EXTENSION PROJECTS THROUGHOUT THE CITY ON AN AS-NEEDED BASIS

Josh ferguson, sparks clear on what looking at. this is for one year approval at 2.5 M but then have two more years renewed at same. are we approving 2.5 M per year. Josh one time program for 2.5 m option renewal for one year period each time budet will have to be approved prior to renewal. first fy 17/18 october of this year. sparks and thats exactlys ame thing on 11. Josh exact same thing. lacy how many requests for bids. josh will contact everyone.

Council Member Sparks moved to adopt Resolution No. 2017 - 147; 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.

11. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Water, Wastewater and Fire Hydrant Taps 04 Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 148

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE WATER, WASTEWATER, & FIRE HYDRANT TAPS EXPANDED PROGRAM 04 PROJECT; SAID PROJECT WILL PROVIDE FOR THE CONSTRUCTION OF SMALL UTILITY PROJECTS AND SERVICE LATERALS THROUGHOUT THE CITY ON AN AS-NEEDED BASIS

Council Member Sparks moved to adopt Resolution No. 2017 - 148; 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.

14. Approved a resolution determining that the purposes for which the Midland Football-Soccer and Baseball Complex Development Corporation was formed have been substantially fulfilled; determining that all bonds issued by and all obligations incurred by the corporation have been fully paid; approving the termination of the corporation; authorizing the execution of a certificate of termination, the signing of all other documents necessary or appropriate to terminate the corporation, and the taking of all other actions necessary or appropriate to terminate the corporation; authorizing the delivery of three originals of the certificate of termination to the Texas Secretary of State for filing and the certification of a copy of this resolution to the Texas Comptroller of

Public Accounts and any other appropriate entity as necessary; and authorizing the signing of all documents and the taking of all actions necessary or appropriate to effect the transfer to the City of Midland of all funds and (COMMUNITY SERVICES)

RESOLUTION NO. 2017 - 151

RESOLUTION RATIFYING AND APPROVING A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDLAND FOOTBALL-SOCCER AND BASEBALL COMPLEX DEVELOPMENT CORPORATION APPROVING THE TERMINATION OF THE MIDLAND FOOTBALL-SOCCER AND BASEBALL COMPLEX DEVELOPMENT CORPORATION (THE "CORPORATION"); AUTHORIZING AND DIRECTING THE CITY SECRETARY TO DELIVER THREE ORIGINALS OF THE CORPORATION'S CERTIFICATE OF TERMINATION TO THE TEXAS SECRETARY OF STATE FOR FILING AND TO CERTIFY A COPY OF THIS RESOLUTION TO THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS AND ANY OTHER APPROPRIATE ENTITY AS NECESSARY; AUTHORIZING AND DIRECTING THE CITY TREASURER TO PAY A FILING FEE TO THE TEXAS SECRETARY OF STATE; AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO SIGN ALL DOCUMENTS AND TAKE ALL ACTIONS NECESSARY OR APPROPRIATE TO EFFECT THE TRANSFER TO THE CITY OF MIDLAND OF ALL FUNDS AND PROPERTY OWNED BY THE CORPORATION ON TERMINATION OF THE CORPORATION; AND AUTHORIZING AND DIRECTING THE CITY TREASURER TO TRANSFER SAID FUNDS

Lacy pulled clarify once funds put in general fund that will be line itemed for sports improvement complex. concern \$ used elsewhere. Pam, that would be process in 2018 budget. Spaarks ought to be able to pull up a and earmark can do in reso. John timing up to council and can be reso. Sparks look at reso to tie to this and go beyond just every single budget. Pamr ec transfer ot operating fund for sports complex that way money will stay in fund and be available for budget and repairs. she has to legally move to gf and council can move to sports complex fund. that way wont' have to have project. MOrales seperate meeting reviewing all opportunities to ensure spent well. Dufford can it bind future councils? John difficult to do. Pam about 26.5M still some sales tax to come in and waiting on bonding attorneys billf or last rtansaction. Pam Sept 30 last sales tax. Morales debt paid? Pam yes May 30th paid off all debt.

Council Member Lacy moved to adopt Resolution No. 2017 - 151; 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.

SECOND READINGS

28. Consider an ordinance on second 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) (First reading held on May 23, 2017)

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 Karla Mata read the caption of Ordinance No. 9665.

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

29. Consider an ordinance on second 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) (First reading held on May 23, 2017)

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 Karla Mata read the caption of Ordinance No. 9666.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9666 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

30. Consider an ordinance on second 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) (First reading held on May 23, 2017)

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 Karla Mata read the caption of Ordinance No. 9667.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9667 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.

31. Consider an ordinance on second 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) (First reading held on May 23, 2017)

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 Karla Mata read the caption of Ordinance No. 9668.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9668 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.

32. Consider an ordinance on second reading and 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) (First reading held on May 23, 2017)

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 Karla Mata read the caption of Ordinance No. 9669.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9669 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.

33. Consider an ordinance on second 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) (First reading held on May 23, 2017)

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 Karla Mata read the caption of Ordinance No. 9670.

Council Member Love moved to approve the second and final reading of Ordinance No. 9670 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

34. Consider an ordinance on second reading on a request by Maverick Engineering for an approval to amend 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) (First reading held on May 23, 2017)

ORDINANCE NO. 9671

AN ORDINANCE VACATING AND ABANDONING 27.535 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 34.632 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 Karla Mata read the caption of Ordinance No. 9671.

Council Member Love moved to approve the second and final reading of Ordinance No. 9671 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

lacy issue address adjacent prop agreeable staff eys.

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

35. Consider an ordinance on second 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) (First reading held on May 23, 2017)

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 Karla Mata read the caption of Ordinance No. 9672.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9672 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.

PUBLIC HEARINGS

36. Hold a public hearing and consider a resolution on a request by MODE Communications for approval of a Temporary Land Use Permit for an Ice Cream Festival on a 0.55-acre portion of North Colorado Street right-of-way, located adjacent to Block 55 and Block 56, Original Town Addition, City and County of Midland, Texas (Generally located on North Colorado Street between West Texas Avenue and West Wall Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 163

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN ICE CREAM FESTIVAL ON A 0.55-ACRE PORTION OF NORTH COLORADO STREET RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 55 AND 56, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON NORTH COLORADO STREET BETWEEN WEST TEXAS AVENUE AND WEST WALL 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 second annual ice cream festival. Prop hold n color btwn tx and wall. hours at jul 29 7-6 july 30 706. ice cream vendors. topping bar, slides? close streets reopen mon 31 staff rec approval no loj.

Mayor Morales opened the public hearing at 10:23 a.m.

Elizabeth McClellan 1402 Castleford, excited to bring ice cream festival back to ehart of downtown two new interns. Going to add a lot of flavors new element cow a cone experience part sponsored by opas table. part live cow to show where milk comes from. cow to cone experience. Distributed color changing sppoon with free scoop of ice cream. some ice creama nd sandwiches ice cream social right out front if comm wants to join. Mayor thanked.

There being no one else wishing to speak, the public hearing was closed at 10:25 a.m.

Council Member Lacy moved to adopt Resolution No. 2017 - 163; 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.

37. Hold a public hearing to receive public comments and hear community recommendations for the Community Development Block Grant 2017/18 applications submissions. (DEVELOPMENT SERVICES)

Isaac Garnett staff working on action plan and submission for 17/18 program year. anticipate 661,000 of grant funds and 151,000 of program income for 811,000 for programatic. continue to fund reconstruction, minor repair, downpayment, want to do sparks improvements infrastructure and sidewalks. all in line with consolidated plan. Morales thanked Isaac for sharing.

Mayor Morales opened the public hearing at 10:27 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

38. Hold a public hearing regarding a proposed oil and gas permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Isbell HZ Unit No. 115H) located 2,416 feet from the north line and 2,270 feet from the east line located in Section 1, Block X, Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 200 feet north of Solomon Lane extension and 2,190 feet west of Fairgrounds Road.) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item on Solomon near end of ext. previously permitted wells been to 007g and rec approval. var is 24-hour fracing under hb 40 required to give them that. Love location map nothing within 500 feet. Ron under development no houses at this time.

Mayor Morales opened the public hearing at 10:28 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

39. Hold a public hearing regarding a proposed oil and gas permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Bozeman Unit 802WA) located 306 feet from the south line and 1,045 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 407 feet north of Green Tree Boulevard extension and 1,002 feet east of North Midland Drive.) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting well location 4 wells on same pad from diamond back north of green tree. been to 07g couple updated completed insurance and rr comm filing 4 variances same as all other wells. requirement of landscaping and irrig. perimeter around four well pad site build one big fence when comes time, asking 24 hour fracing and larger pit size one large pit instead of four. Love HB 40 allows fracing do we need to change ord. John we don't have to, we have to comply with how enforce ordinance. Love would it be cleaner to change ordinance. Ron can't its recognized. Lacy prefer to keep giving variance stip in hb to protect our ord and best to keep as it. Morales sound wall facing Midland. Ron sound wall similar to what is currently out there and only during fracing. this one is

1020 feet to closest house. 16 foot sound walls assume putting same size. Lacy any opposition from property owner to south. Ron one call received when whitefish was drilled received email during construction of pad that's it.

Mayor Morales opened the public hearing at 10:32 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

40. Hold a public hearing regarding a proposed oil and gas permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Bozeman Unit 813WB) located 306 feet from the south line and 1,075 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 407 feet north of Green Tree Boulevard extension and 1,032 feet east of North Midland Drive.) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting exact same info as prior.

further to east.

41. Hold a public hearing regarding a proposed oil and gas permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Whitefish Unit 802WB) located 306 feet from the south line and 1,015 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 407 feet north of Green Tree Boulevard extension and 972 feet east of North Midland Drive) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer gave a brief overview of the item noting 3rd of 4 wells exact same item.

Mayor Morales opened the public hearing at 10:34 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

42. Hold a public hearing regarding a proposed oil and gas permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Whitefish Unit 812MS) located 306 feet from the south line and 985 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located 407 feet north of Green Tree Blvd. extension and 942 feet east of North Midland Drive -District 1) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins reported this was the 4th of 4 wells with same information. how long is fracing? Ron 15 days? 35 days per frac at 24 hours.

Mayor Morales opened the public hearing at 10:35 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

43. Hold a public hearing and consider an ordinance on a request by PEH Investments, Ltd, for a zone change from a PD, Planned District for a Shopping Center, in part, and LR-2, Local Retail District, in part, to a PD, Planned District for a Shopping Center, on Lot 2C,

Block 43, Fairmont Park Addition, Section 47, City and County of Midland, Texas (Generally located on the southeast side of West Loop 250 North and approximately 2,025-feet north of Tremont Avenue). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9673

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2C, BLOCK 43, FAIRMONT PARK ADDITION, SECTION 47, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, IN PART, AND LR-2, LOCAL RETAIL DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED ON THE EAST SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 2,025 FEET NORTH OF TREMONT AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9673.

Development Services Director Chuck Harrington gave a brief overview of the item noting car dealership proposing to add additional dealership or a Volkswagen and 129 parking spaces to further total development. Tried to get future building as a part so don't have to keep coming back. This is one time of approval building shown in site plan. Dealership little over 14,000 sq ft. The parking lot plan has to be revised relative to drainage issues. Currently in compliance with city code and staff rec approval to amend subject to conditions. Love Exhibit A was is the building on left that is gray?

Mayor Morales opened the public hearing at 10:38 a.m.

Chris Robbin 7100 WCR 46, existing building that in right now. that is actually leased property that VW is operating out of. If talking to old building new store in between two buildings.

There being no one else wishing to speak, the public hearing was closed at 10:39 a.m.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9673 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.

44. Hold a public hearing and consider an ordinance on a request by GHA Architecture/Development for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on premises consumption, in a restaurant on Lot 8, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas (Generally located on the south side of West Loop 250 North, approximately 720 feet west of North Midkiff Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9674

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE

PROPERTY DESCRIBED AS LOT 8, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 720 FEET WEST OF NORTH MIDKIFF ROAD), 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 Karla Mata read the caption of Ordinance No. 9674.

Development Services Director Chuck Harrington gave a brief overview of the item noting Lone Star Steak House. For alco bev sales in a restaurant. requ hours 11 a.m. 10 p.m. sun thru fri and sat 11 a.m. to 11 p.m been reviewed by all depts no obj. staf rec approval of request.

Mayor Morales opened the public hearing at 10:40 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9674 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

45. Hold a public hearing and consider a resolution on a request by Promising Projects for approval of a Temporary Land Use Permit for a Music Festival on Lots 13 through 18, Block 65; Lots 13 through 24, Block 66; all of Block 86; a 0.25-acre portion of West Missouri Avenue right-of-way, located adjacent to Lot 19, Block 65, and Block 86; a 0.26-acre portion of West Missouri Avenue right-of-way, located adjacent to Lot 13, Block 66, and Block 85; a 0.34-acre portion of S. Loraine Street right-of-way, located adjacent to Lots 19 through 21, Block 65, and Lots 13 through 19, Block 66; and a 0.28-acre portion of South Loraine Street right-of-way located adjacent to Lots 15 through 20, Block 85, and Lots 1 through 6, Block 86; all out of Original Town Addition; City and County of Midland, Texas (Generally located at the intersection of South Loraine Street and West Missouri Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 164

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A MUSIC FESTIVAL ON LOTS 13-18, BLOCK 65, LOTS 13-24, BLOCK 66, ALL OF BLOCK 86, A 0.25-ACRE PORTION OF WEST MISSOURI AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO LOT 19, BLOCK 65, AND BLOCK 86, A 0.26-ACRE PORTION OF WEST MISSOURI AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO LOT 13, BLOCK 66, AND BLOCK 85, A 0.34-ACRE PORTION OF SOUTH LORAIN STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 19-21, BLOCK 65, AND LOTS 13-

19, BLOCK 66, AND A 0.28-ACRE PORTION OF SOUTH LORAIN STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 15-20, BLOCK 85, AND LOTS 1-6, BLOCK 86, ALL OUT OF ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE INTERSECTION OF SOUTH LORAIN STREET AND WEST MISSOURI 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 might not recognize typically see as Tall City Blues Fest presented by Promising Projects. Long term event in Midland. Had issues due to construction of Midland Center forced relocation of project. One block south at intersection Lorain and MO. Prop days Jul 14 7-12 a.m. and Sat Jul 15 7 p.m. to 12 a.m. Sale of alcohol proposed both days, 18 restrooms and 10 security guards on duty at all time. Requesting to close portions of Lorain and MO on Jul 13 and reopen Sun Jul 16. Staff request approval no log.

Love blue line is fence it doesn't go all to Lorain same on MO on Main abuts up to Main. Chuck yes. Cristina stop just the other side of Double Tree on MO.

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

Lisa Grissom 5501 Sherwood, to clarify essentially using half block of each of the west and east sides of the street so entrance into block of A will be accessible as well as alley. To east is alley adjacent to Doubletree will be clear. If look in both right and left their parking exits from will be clear and exist and entrance and superblock entrance to north both access will be clear and people will be able to all alleys exits and entrances will be open. Entire fence perimeter inside in all directions for vehicles or pedestrian access. Love your fence is on super block? Don't anticipate any public in area do you anticipate any public? Food vendors on both sides of street. Fence will not run into superblock fencing around it. On street not on superblock.

Lisa working since last October to keep Tall City Blues Fest downtown. It changes everything reprogrammed entire fest from ground up budget ticketing sponsorship deck different. This is outdoor portion and one of 3 venues throughout weekend. Ballroom and Doubletree first lounge. All venue ticket free style all venues. Love thanked for patience well worth it once Midland center is complete.

There being no one else wishing to speak, the public hearing was closed at 10:48 a.m.

Council Member Sparks moved to adopt Resolution No. 2017 - 164; 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.

MISCELLANEOUS

46. Approved a motion on a request by Maverick Engineering for approval of a Preliminary

Plat for Pavilion Park, Section 10, being a replat of all of Blocks 3 through 16; Lots 1 through 9, Block 17; Lots 1 through 5 & Tract 17A, Block 19; all located in 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)

Development Services Director Chuck Harrington gave a brief overview of the item noting related to earlier reading of vacation. this is a plat that reflects a 20 -foot alley covers all basis.

Council Member Lacy moved to approve a motion on a request by Maverick Engineering for approval of a Preliminary Plat for Pavilion Park, Section 10, being a replat of all of Blocks 3 through 16; Lots 1 through 9, Block 17; Lots 1 through 5 & Tract 17A, Block 19; all located in Pavilion Park Addition, Section 2, City and County of Midland, Texas (Generally located southeast of the intersection of Mockingbird Lane and Stonebridge Drive.) ; 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.

47. Approved a motion on request by Skyline Civil Group to defer public paving and wastewater improvements for Yadon Addition, and to waive the corresponding financial security guarantee valued at \$22,888.00, an amount equal to the estimated cost of construction. The subject property is generally located approximately 1,300 feet south of I-20 on the east side of Rankin Highway, inside the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

Assistant City Engineer Jeff Cohen gave a brief overview of the item noting proposed new plat of existing dev lot. applicant decided not to attend this morning's meeting. defer to staff comment. Staff rec deferral because sewer is at nw property corner and every opportunity to extend that as well as sidewalk. Love quite disappointing that applicant is not here. Wanted to give him opportunity to offer something else.

Council Member Love moved to deny a motion on request by Skyline Civil Group to defer public paving and wastewater improvements for Yadon Addition, and to waive the corresponding financial security guarantee valued at \$22,888.00, an amount equal to the estimated cost of construction. The subject property is generally located approximately 1,300 feet south of I-20 on the east side of Rankin Highway, inside the corporate limits of the City of Midland, Midland County, Texas. ; seconded by Council Member Lacy.

Lacy what improvements. Jeff expanding building structure. Love they are continuing sewer line next door and need it to make complete.

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

48. Hold a motion approving the recommendation and determination of the Planning and Zoning Commission that a for-profit plasma donation center should be a permitted use in the following zoning district: LR-3, Local Retail District; and

a. Determining that said use is distinctly different from those listed as permitted uses in said zoning district and ordering City staff to begin the process of amending Title XI, "Planning and Development", Chapter 1, "Zoning", to permit said use in said zoning district; or

b. Determining that said use is closely related to one or more of the listed permitted uses in said zoning district and approving a resolution determining that said use is permitted in said zoning district.

Development Services Director Chuck Harrington gave a brief overview of the item noting recognize as unique situation. Ordinance there are complete uses that are not listed. staff tries to determine if similar uses and deal with or go through this process. Building official says not similar. P7z rec was to forward to City Council. IN past few months received requests about blood plasma centers in city. Does not present category as medical examination and treatment. when go to dr you pay for services not you go and they pay you. If look at LR2 zoning around this most of those uses are goods sold to public not reversed. As going through process looked at carefully felt it more likely hit Ir3 category. similar uses but not the same. presented info to p07z and they agreed with staff pos that ord should enumerate that particular use and agreed should be in Ir3. provided with some of the uses in Ir3. even itmes like second hand store or pawn shop you take something in they provide funds for what have. felt Ir3 was more appropriate. Sparks this is under PD. Chuck yes have to separate 2 this is talking about across whole city and break distinction and have to deal with separately. Do have other types of blood plasma centers but those are not for profit. Like council to review information presented and decide if distinctly different and direct staff to make change to zoning ord or if determine closely related then say so.

Mayor this is blanket for future. John one way although this particular applicant has a property in own they might like to develop the question is whether or not. issue doesn't revolve around property today but issues today is does council agree with rec of staff and p7z that this use ought to fall under Ir3. That will have an affect on applicants property but applicants property is not in questions today. If you determine that Ir3 is appropriate place staff rec that you go with option a and direct staff to bring back amendment to zoning code specifically listing this type of use. Dufford red cross on Midkiff and Loop 25 is Ir2? Chuck, yes. Dufford distinction is donate for free to get paid to donate. Chuck it could be testimony clientele may be different. For most part red cross does most of donations off site. Morales what about Good Will Ir3? Chuck its LR2 not sure how. Jessica United Blood Service is a non profit and by appointment only. Proposed is a walk in clinic. Love here to decide where place is in zoning code. if place in zoning code then applicant will now how to proceed. If council votes to rec section a what is applicants next step. Hes sitting there with charts and graphs and he's talking about his project. Chuck their next step would be apply for a change to the pd to change that one use. Love another app and fee process. Chuck at direction of Council. Love when resubmits with respect he will have his opportunity? Chuck yes. Jeff under a planned district does it necessarily change zoning? Chuck it doesn't change zoning if look at pd ord it says Ir2 for underlying uses. added list of 5 uses to PD that were form LR3. Sparks could add that to PD and not change LR3. Chuck correct. Today staff is asking can go ahead and get direction that this should be in LR3 district. nothing with this site. strictly where do they belong in zoning ordinance. Love when resubmits can Council make a PDSC don't have to change underlying to Ir3? no just add that as an added use. Sparks maybe what want is this particular use come to City Council and not

be part of LR3. Love that is not what being asked to vote on today. Sparks couldn't we make this a case by case basis. Chuck here is a compromise position. could set up where Ir2 or Ir3 by special use permit so it has to come before you each time. Hotchkiss jsut being asked are two types same or are there significant differences. Given blood often but always to donation center. This is inviting people to come in and be paid to collect blood. Tahts quite different then donating and for friend to sa service. collect and sell. Dufford is crux clientel? Chuck that was argument. Love Hotchkiss and he attended and much debate p7z comm went through and did determine that Ir3 was suitable he agrees with that as agree with option A. Sparks changing LR3 and not knowing where all LR3 is. Love if do SUP it would come before council. John if that is where council leanring direction to staff would be to bring Council amendment to zonign code placing this use requiring this use obtain SUP form council. Chuck if go to SUP process need direction if want Ir2 or Ir3. direction Ir3.

Love City brough forth so on particular motion to approve just make amended motion. joh amen d option a

Council Member Love moved to approve option A with amendment to require a specific use permit; seconded by Council Member Lacy.

Courtney do you want plasma in LR3 as specific use permit. second is blanekt approach staff recomend pick zoning use. frank put Ir2 and Ir3. but require SUP. Love point of order there is a motion. couldn't put in Ir2. Sparks if do A then it would be denied. but could list it in planned district.

Sparks dont' want to require thisman to do something different. Dufford everything comes to council and decide if appropriate or not.

Love asked to hear from Mr. Kvanaugh. and asked to limit to discussion to SUP and zoning code and not specific proejct.

Peter Kavanaugh, 1602 Handley, Dallas, first thing is letter to Counjhciol briefly tab number 1 sense of what plasma center does. Lacy that is not what council asked. Love all know what plasma zoning is. if you have anything to comment about Ir3 and putting this use in code. if any comments about that. brought up how other cities address tabs 1 and 2. Odessa addressed use as medic or dental clinic. actual tab or 2 is zonign map. 1 irving in commercial office district. you all have understood and discussed that plasma center is absolutely like blood kidney dialysis center. their request is to allow in Ir2 because underlying zoning in a district they wish to use. last 2 pages are just photos of wha tinterior of such a facility would look like. Comfortable that PD could be amended to allow them use.

Morales if do LR2 LR3. Frank can put SUP under any zoning district that requires to come to Council every time. you could put SUP Ir2 or Ir3 could apply for amendment to PD Love not for putting it in LR2. Don't even want to put in code. If we come to a situation wants to put in LR2 then bring and ask for exception. Dont want coe to say allowable in LR2 and have a whole bunch of peopel locate all over city. Sparks if its Ir2 they would have to come fro zone change. Morales comfortable as long as see everyone.

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

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

- a. Determining that said use is distinctly different from those listed as permitted uses in said zoning district and ordering City staff to begin the process of amending Title XI, "Planning and Development", Chapter 1, "Zoning", to permit said use in said zoning district; or

Council Member Love moved to approve option A with amendment to require a specific use permit; seconded by Council Member Lacy.

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

- b. Determining that said use is closely related to one or more of the listed permitted uses in said zoning district and approving a resolution determining that said use is permitted in said zoning district.

Council Member Love moved to approve option A with amendment to require a specific use permit; seconded by Council Member Lacy.

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

PUBLIC COMMENT

Peter Kavanaugh planning staff professional thanked people involved in his project. Don't often run into entire staff as prof.

Bill Bankston, 1308 Kentuckey, fire works reported to police department explosive gotten bigger and louder no way police can respond to all call. TX added 3 more holidays when fireworks can be sold got to find ways to slow use of fireworks in city of midland mention 3 ideas. first thing is issues more citations. when 100% sure of someone suing fireworks be given ticket, in possession given ticket. warnings do not stop people from suing explosives. If he had money he would hire off duty and write tickets and would stop problem in neighborhood. last year 3 am delivery pkg fire crackers exploded 30-45 second waking him and elderly mother. neighborhood changed through year 4th of july stress and dreading. second thing like to see is all ahds on deck for 4th of july off duty fireman to help out police department. 150 firemen off duty most of the time. third would like to see signs put up at fireworks stands city ord that can't be used in city and can be fined up to \$2,000. firework vendors won't like slow sales. can't stop fire works but go to develop strategy to slow use in city and keep away from people and property. new years eve 45h of july worse through year. wish could develop stat to slow down. Top 10 maybe top 5 of driest counties in state. another reason ought to take seriously.

adj 11:28 a.m.

49. 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.)

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