

**MIDLAND CITY COUNCIL  
MINUTES  
June 23, 2015**

**BRIEFING SESSION**

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at \_\_\_\_ a.m. on June 23, 2015.

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

Council Members absent: None.

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

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

**REGULAR SESSION**

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at \_\_\_\_ a.m., June 23, 2015.

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

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

The Agenda Items were heard in the following order:

**OPENING ITEMS**

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

### **PRESENTATIONS**

none.

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

### **PUBLIC COMMENT**

none.

4. Receive public comments where individuals may address the City Council on City related issues and projects. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting.

### **CONSENT AGENDA**

Council Member Dufford moved to approve Consent Agenda items 6 - 16 excluding 5a, 7, 12; 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.

6. Approved a resolution approving a contract for the Greathouse Park Project for the Parks Division. (PURCHASING)

#### **RESOLUTION NO. 2015 - 178**

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE GREATHOUSE PARK PROJECT, WITH THE LOWEST AND MOST RESPONSIBLE BIDDER, J.C. ROBERTS CONSTRUCTION COMPANY, INCORPORATED, IN THE AMOUNT OF \$294,777 FOR THE CONTRACT, PLUS CONTINGENCIES OF \$29,478 FOR A TOTAL COST OF \$324,255.00; AND APPROPRIATING FUNDS IN THE AMOUNT OF \$128,624 FOR THE PURCHASE OF PLAYGROUND EQUIPMENT AND SAFETY SURFACING FOR A TOTAL APPROPRIATION OF \$452,879

8. Approved a resolution approving a contract with the sole bidder Infrastructure Rehabilitation USA, Inc. for the Cured-In-Place Sewer Manhole Rehabilitation Project for a total cost of \$123,394.00 for the Engineering Department. (PURCHASING)

#### **RESOLUTION NO. 2015 - 180**

RESOLUTION AWARDED A CONTRACT FOR THE CURED-IN-PLACE SEWER MANHOLE REHABILITATION PROJECT TO THE SOLE BIDDER, INFRASTRUCTURE REHABILITATION USA, INC. OF SHREVEPORT, LOUISIANA, AT A TOTAL COST OF \$123,394.00; AND AUTHORIZING PAYMENT THEREFOR

9. Approved a resolution authorizing the execution of an agreement with NewEdge Services, LLC for the purchase of software and geodatabase hosting services necessary for the CityWorks Server AMS Software and the SDE Geodatabase for the Transportation Division; and rescinding Resolution No. 2015-001. (PURCHASING)

RESOLUTION NO. 2015 - 181

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH NEWEDGE SERVICES, LLC, FOR THE PURCHASE OF SOFTWARE AND GEODATABASE HOSTING SERVICES NECESSARY FOR THE CITYWORKS SERVER AMS SOFTWARE AND THE SDE GEODATABASE

10. Approved a resolution authorizing the execution of Amendment #9 Parkhill, Smith & Cooper's Professional Services Agreement, and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2015 - 182

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER NINE TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INCORPORATED, FOR IMPROVEMENTS CONTAINED IN THE AIRPORT CAPITAL IMPROVEMENT PROGRAM; SAID AMENDMENT TO INCLUDE THE FOLLOWING PROJECT: ADDITIONAL SITE ASSESSMENT SERVICES AND REGULATORY CLOSURE SERVICES REGARDING THE EASTERN MOST AREA OF THE SPACEPORT BUSINESS PARK; AND APPROPRIATING FUNDS

11. Consider a Resolution authorizing and executing 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 9, Block 37, T-3-S, T&P RR. Co. Survey, Midland County, Texas. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 183

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND CROWNQUEST OPERATING, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 9, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

13. Approved a motion on request by Maverick Engineering LLC to defer public improvements for Original Town Addition Section 10, and to reduce the corresponding financial security guarantee by \$60,978, an amount equal to the full cost of construction. The subject property is located in Block 72 of Original Town Addition, the block being bound by East Wall Street, South Mineola Street, East Missouri Avenue and South Terrell Street, in the City of Midland. (ENGINEERING SERVICES)
14. Approved a motion on request by Maverick Engineering LLC to defer public improvements for South Midkiff Addition, and to waive the corresponding financial security guarantee valued at \$390,972, an amount equal to the estimated cost of construction. The subject property is generally located on the east side of South CR 1210 approximately midway between West CR 130 and West CR 140 in the City of

Midland ETJ, Midland County, Texas. (ENGINEERING SERVICES)

15. Approved a motion on request by Maverick Engineering LLC to defer public improvements for Spraberry Addition, and to waive the corresponding financial security guarantee valued at \$336,540, an amount equal to the estimated cost of construction. The subject property is generally located on the west side of FM 715 approximately 860 feet north of East CR 120 in the City of Midland ETJ, Midland County, Texas. (ENGINEERING SERVICES)
16. Approved a resolution to authorize execution of a Development and Escrow Agreement with VDC Compass Pointe LP, GMAT Development Ltd., and J. Brian Martin and Associates, in the amount of \$339,045, to secure construction of public improvements to serve Palermo Addition Section 2; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. The subject property is located at 509 Wayside Drive in the City and County of Midland, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 185

RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPMENT AND ESCROW AGREEMENT WITH VDC COMPASS POINTE, LP, GMAT DEVELOPMENT, LTD., AND J. BRIAN MARTIN AND ASSOCIATES FOR PUBLIC WATER, SEWER, AND PAVING IMPROVEMENTS TO WAYSIDE DRIVE AND GIST AVENUE, ADJACENT TO PALERMO ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT 509 WAYSIDE DRIVE); AND APPROPRIATING FUNDS THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

5. Approved a motion approving the following minutes:

Council Member Robnett moved to approve Approved a motion approving the following minutes;; seconded by Council Member Lacy.

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

**Regular meeting of June 9, 2015.**

Council Member Robnett moved to approve Approved a motion approving the following minutes;; seconded by Council Member Lacy.

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

7. Approved a resolution approving the issuance of a request for proposals for the development of three (3) City-owned downtown properties for the Downtown Development Division. (PURCHASING)

RESOLUTION NO. 2015 - 179

RESOLUTION AUTHORIZING ADVERTISEMENT OF A REQUEST FOR PROPOSALS FOR DEVELOPMENT OF CITY-OWNED PROPERTY DESCRIBED AS THE MIDLAND

EXECUTIVE CENTER (301 NORTH COLORADO STREET; LOT 7A, BLOCK 27, ORIGINAL TOWN, SECTION 3), THE MID-AMERICA BUILDING (310 WEST ILLINOIS; LOT 13A, BLOCK 27, ORIGINAL TOWN, SECTION 3), AND THE BUILDING OF THE SOUTHWEST (310 WEST TEXAS AVENUE; LOTS 7 AND 8, BLOCK 35, ORIGINAL TOWN), ALL BEING  
LOCATED IN THE DOWNTOWN AREA OF THE CITY OF MIDLAND, TEXAS; THE CITY WILL CONSIDER THE LEASE, SALE OR EXCHANGE OF ONE OR MORE OF SAID PROPERTIES

Council Member Dufford moved to adopt Resolution No. 2015 - 179 with amendment to change due date on August 31; seconded by Council Member Lacy.

Mayor contract July 27 all prop received. is that neough time for design without any rush. Courtney put in 30 days to respond Council can extend to 45 days or 60 if needed. In middle of demo so not prepared to move forward with any construction until demo done. doesn't hurt to go 60 days. Can make August 30 as deadline.

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

12. Approved a resolution authorizing the acceptance of a \$5,000.00 donation from West Texas National Bank for the Owner Occupied Housing Minor Repairs Program; and appropriating funds. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 184  
RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO ACCEPT A DONATION IN THE AMOUNT OF \$5,000.00 FROM WEST TEXAS NATIONAL BANK FOR THE OWNER OCCUPIED HOUSING MINOR REPAIRS PROGRAM

Council Member Lacy moved to adopt Resolution No. 2015 - 184; seconded by Council Member Sparks.

Lacy pulled to recogniz w tx natl bank for affordable housing appreciative of funds. thanked.

Love challenge other banks to saatisfy by making contributions.

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

## **SECOND READINGS**

17. Consider an ordinance on second reading on a request by Lebco Industries, LP for a zone change from PD, Planned District for a Shopping Center to LR-2, Local Retail District, on a 1.50-acre portion of Lot 1B, Block 43, Fairmont Park Addition, Section 44, City and County of Midland, Texas (Generally located on the south side of West Loop 250 North, approximately 1,500-feet east of Holiday Hill Road.) (DEVELOPMENT SERVICES) (First reading held on June 9, 2015.)

ORDINANCE NO. 9445

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.50-ACRE PORTION OF LOT 1B, BLOCK 43, FAIRMONT PARK ADDITION, SECTION 44, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 1,500 FEET EAST 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9445.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9445 in accordance with the Charter of the City of Midland; 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.

18. Consider an ordinance on second reading on a request by Chidinma A. Mbagwu for a Specific Use Permit with Term for a childcare center on a 10,350-square foot portion of the south 83.5 feet of Tract 18 and the north 167 feet of Tract 19, Morningside Addition, City and County of Midland, Texas (Generally located on the west side of North Main Street, approximately 350-feet north of West Golf Course Road.) (DEVELOPMENT SERVICES) (First reading held on June 9, 2015.)

ORDINANCE NO. 9446

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 10,350-SQUARE FOOT PORTION OF THE SOUTH 83.5 FEET OF TRACT 18 AND THE NORTH 167 FEET OF TRACT 19, MORNINGSIDE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MAIN STREET, APPROXIMATELY 350 FEET NORTH OF WEST GOLF COURSE ROAD), WHICH IS PRESENTLY ZONED 2F, TWO-FAMILY DWELLING DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A DAY CARE CENTER; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9446.

Council Member Love moved to approve the second and final reading of Ordinance No. 9446 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Love did work out traffic. Yes did.

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

19. Consider an ordinance on second reading on a request by Francisco Hernandez for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 3,432-square foot portion of Lot 33C, Block 3, Briarwood Addition, Section 16, City and County of Midland, Texas (Generally located on the north side of Briarwood Avenue, approximately 210-feet west of North Midland Drive.) (DEVELOPMENT SERVICES) (First reading held on June 9, 2015.)

ORDINANCE NO. 9447

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,432-SQUARE FOOT PORTION OF LOT 33C, BLOCK 3, BRIARWOOD ADDITION, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 210 FEET WEST OF NORTH MIDLAND DRIVE), 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 Reyes read the caption of Ordinance No. 9447.

Lacy asked if staff came up with applicant for time. Bob Baronti, applicant here to answer questions.

Juan Hernandez, 3917 Springwood Drive, 4416 Briarwood, he leaves the times up to Council and he will be fine. Mayor talk to father. Juan open at 6 not planning to serve alcohol for breakfast. If possible then fine with them but okay. 11 a.m. is okay.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9447 in accordance with the Charter of the City of Midland with amendment to change times from 11 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.

20. Consider an ordinance on second reading on a request by Chase Gardaphe for a Specific Use Permit without Term for a Manufactured Home Park, on a 45.70-acre tract of land out of Section 31, Block 38, T-1-S, T&P RR Company Survey, City and County of Midland, Texas (Generally located on the north side of East Golf Course Road, approximately 1,500-feet east of Fairgrounds Road.) (DEVELOPMENT SERVICES) (First reading held on June 9, 2015.)

ORDINANCE NO. 9448

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 45.70-ACRE TRACT OF LAND OUT OF SECTION 31,

BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF EAST GOLF COURSE ROAD, APPROXIMATELY 1,500 FEET EAST OF FAIRGROUNDS ROAD), WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A MANUFACTURED HOME PARK; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9448.

Council Member Love moved to approve the second and final reading of Ordinance No. 9448 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Love not here comment on item. say has full faith in Chase Gardaphey for project. great citizen previous proj outstanding believe this one as well. hotchkiss agreed.

Chase Gardaphe 13\_\_ n fairgrounds rd hav evariance letter for 135 feet off well. working with on another wlel site on proeprty.

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

21. Consider an ordinance on second reading on a request by John L. Lievens for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 3,259-square foot portion of Lot 13, Block 8, Westridge Park Addition, Section 27, City and County of Midland, Texas (Generally located southwest of the intersection of Tradewinds Boulevard and Windhaven Drive. ) (DEVELOPMENT SERVICES) (First reading held on June 9, 2015.)

#### ORDINANCE NO. 9449

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 13, BLOCK 8, WESTRIDGE PARK ADDITION, SECTION 27, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND WINDHAVEN DRIVE), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9449.

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

9449 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

22. Consider an ordinance on second reading on a request by Longview Wingpartners, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 1,920-square foot portion of Lot 2B, Block 52, Belmont Addition, Section 21, City and County of Midland, Texas (Generally located on the north side of West Longview Avenue, approximately 270-feet east of Belmont Street.) (DEVELOPMENT SERVICES) (First reading held on June 9, 2015.)

ORDINANCE NO. 9450

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 1,920-SQUARE FOOT PORTION OF LOT 2B, BLOCK 52, BELMONT ADDITION, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LONGVIEW AVENUE, APPROXIMATELY 270 FEET EAST OF BELMONT STREET), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9450.

Council Member Love moved to approve the second and final reading of Ordinance No. 9450 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.

23. Consider an ordinance on second reading on a request by Dora Chavez for the vacation of the 0.06-acre portion of the alley right-of-way adjacent to Lot 6 and the north 50-feet of Lots 7 through 12, Block 120, Southern Addition, City and County of Midland, Texas (Generally located on the west side of South Dallas Street, approximately 140-feet north of East New York Avenue.) (DEVELOPMENT SERVICES) (First reading held on June 9, 2015.)

ORDINANCE NO. 9451

AN ORDINANCE VACATING AND ABANDONING A 0.06-ACRE PORTION OF ALLEY RIGHT-OF-WAY ADJACENT TO LOT 6 AND THE NORTH 50 FEET OF LOTS 7 THROUGH 12, BLOCK 120, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH DALLAS STREET, APPROXIMATELY 140 FEET NORTH OF EAST NEW YORK

AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$5,600.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No.9451.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9451 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

24. Consider an ordinance on second reading on a City-initiated proposal to amend Section 11-1-10(B) of the Midland City Code to add "Indoor Shooting Range" as a use permitted with a Specific Use Permit without Term in the LR-2, Local Retail District, or less restrictive districts. (DEVELOPMENT SERVICES) (First reading held on June 9, 2015.)

ORDINANCE NO. 9452

AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", CHAPTER 1, "ZONING", SECTION 10, "SPECIFIC USE PERMITS", SUBSECTION (B) OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO ALLOW THE ISSUANCE OF SPECIFIC USE PERMITS WITHOUT TERM FOR INDOOR SHOOTING RANGES IN THE LR-2, LOCAL RETAIL DISTRICT, OR LESS RESTRICTIVE DISTRICTS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9452.

Council Member Love moved to approve the second and final reading of Ordinance No. 9452 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.

**PUBLIC HEARINGS**

25. Hold a public hearing to consider an ordinance on a request by DDC Merritt Leisure, Ltd. for a zone change from PD, Planned District for a Shopping Center to PD, Planned District for a Housing Development, on Lots 1 & 2, Block 162, Wilshire Park Addition, Section 9, City and County of Midland, Texas. (Generally located northwest of the intersection of Beal Parkway and Leisure Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9453

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1 AND 2, BLOCK 162, WILSHIRE PARK ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED NORTHWEST

OF THE INTERSECTION OF BEAL PARKWAY AND LEISURE 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 Reyes read the caption of Ordinance No. 9453.

PDM Bob gave a brief overview of the item noting DC Merit working with City to bring in affordable housing. worked with staff very well. presented plan with ammenities. ONLY point raise is did receive one loj at p7z which bumped supermajority role in affect. since that time need super majority . Lacy affordable housing rate 10:22 letter of objection is from adjeacent that has apartment complex. Love too support in district 4 affordable housing for seniors is needed. Lacy another stepp in obtaining enough points. Dufford is adjacent land owner who filed objection here. No one present Didn't feel strong enough to show up? Love what did objection letter state. Bob nothing jsut state and it was not resubmitted for Council.

Mayor Morales opened the public hearing at 10:23 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9453 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.

26. Hold a public hearing to consider an ordinance on a request by Sandip Patel for a zone change from LR-2, Local Retail District, in part, and PD, Planned District for a Shopping Center, in part, to O-2, Office District, on Lot 18B, Block 109, Wilshire Park Addition, Section 17, City and County of Midland, Texas. (Generally located on the north side of West Illinois Avenue, approximately 250-foot east of North 250 Loop West.) (DEVELOPMENT SERVICES)

#### ORDINANCE NO. 9454

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 18B, BLOCK 109, WILSHIRE PARK ADDITION, SECTION 17, 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 AN O-2, OFFICE DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WEST ILLINOIS AVENUE, APPROXIMATELY 250 FEET EAST OF NORTH LOOP 250 WEST); 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

Development Services Director Chuck Harrington gave a brief overview of the item noting 9454.

read caption

pdm baronti gave brief overview./ Mr. patel proposing rezoning pdfc to lr2 in lr2 to o2 to allow for a hotel. applicabnt stated would like to request limited to 3 stories but that district allow up to 7 stories with graded set back. relaity max is 4 stories. on loj due to fact of placement and staff rec approval because meetss zoning district. Sparks only if change zoning district. Love he requested 3 now goin g down to 2 but if approved can get 5o 4. Bob app is willing to limit it to 3 stories. Lacy numerous complaints will not be supporting. current zonign appropriate. 3 story next to residential should be kept to lr2 which ekep one story for epac eof midn fo residents there since 80s.

Mayor Morales oph 10:27 a.m.

Love property to right is - church. Other map zoning map that to se lr1 that is where psc offices used to be, yes. Mayor residential is all around it. Lacy more approp places for hotel.

Mayor Morales opened the public hearing at 10:28 a.m.

David McMillion 2607 cConjes? rep entity wanting to build hotel. strictly limitingit 2 maybe 2 stories but because of way sits needs to go above 30 feet threshold. thats why requesting zoning change. Mayor owner wants to build 3 story? David 3 story Best Western. Love do you have site plan that shows where building sits. Not yet requesting a survey but waiting to see if zoning will be approved. David sitting at angle. address of of Thomason. Love concern is set back with concern for residential. Sitll confused if 2 or 3 story. David 2 story with height of 3 story. David was told zoning limit is 32 feet and so design shows to be a little bit taller. Love so parafit is what is going above height limit which is why amking appeal. Lacy does not want anything above one story. Love is it they don't want anything above one story or hotel or both. Morales shopping strip 2 story they won't want. Morales if keep zoning as is can you do 2 story. Love could you lower er paraphet than can build lower. Sparks under pd for sc can review and allow them to do a taller section. Love they could submitj application for 2 stories and then give variance for one section. Hotchkiss would they need to withdraw this app and resubmit. Love if deny can still submit under. Love one make change anyone can build a 7 foot or 4 story building. that is concern. don't have to changee it to o2 and leave pdsc you just have to apply for a variance for the part that goes above.. Robnett can do without a zone change but just request a variance. Robnett come back and request a variance under tthe current zoning. John important thing to remember without having existing sc don't know what requirements are forr that existing center. there may be some conditions that they cannot comply with so may need to explore.

Dufford can we see what is actually on current zoning. Dufford lets defer for about 30 minutes or an hour. Lacy okay with thaat opposition to height.

There being no one else wishing to speak, the public hearing was closed at 10:36 a.m.

Council Member Dufford moved to defer to indefinate time; 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.

Bob shall conform to existing site plan as aware other PD had to amend if cannot fit footprint would have to come back to amend footprint unfortunately in solder pd site plans have become detached. Lacy wait till next meeting would like to see where building placed. Its an odd shape lot so want to see how positioned to get assurance. Sparks request by next meeting withdraw zone change. John have to go back through p7z. Lacy otherwise push for denial.

David did bring site plans of where it would sit and do need to clarify. In plan they wanted a 3 story hotel that would be 32 feet within zoning requirements now. Bob 28.9 with cupola over entry that would put it above that mark. Dufford that would be for that cupola. Love recommend that indicate on site plan where windows would be. Baronti quickly looking at site plan don't see how development could fit inside footprint. There is a series of 3 buildings and there is footprint. He would have to meet the or amend the existing site plan. Lacy can amend or grant variance within current zoning. Lacy concerned about type of impact that it would do to roundabout with added traffic load in that area. Mike the volume is not a specific concern. They did talk about driveway locations to make sure not. Lacy been concern that it doesn't congest area or. Mike did provide feedback that driveways were not going to work. Lacy agree deferred until more information is received. want to make sure do it properly.

Applicant wished to withdraw his request and will go back through p7z. told that way property sits have two different zoning so hoping could get one zoning for overall property. Love if amend pdsc can do that.

27. At approximately 10:30 A.M. hold a public hearing and consider a resolution authorizing the filing of an amendment to the 2014/2015 Action Plan to the Consolidated Plan for Community Development and Housing Funds per amendment documents on file with the City Secretary. (DEVELOPMENT SERVICES)

#### RESOLUTION NO. 2015 - 186

RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2014/2015 ACTION PLAN TO THE CITY OF MIDLAND CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT AND HOUSING FUNDS PER AMENDMENT DOCUMENTS ON FILE WITH THE CITY SECRETARY; SAID AMENDMENT TO INCLUDE THE REALLOCATION OF \$43,502.00 AND RELATED BUDGET TRANSFERS; AND A COPY OF SAID AMENDMENT DOCUMENTS SHALL BE ON FILE IN THE CITY SECRETARY'S OFFICE

Sylvester Cantu gave a brief overview of the item noting this is a critical step that needed. Council committee worked hard to identify a project concept that need in order to tell HUD where will be for having money available. Doesn't tie to specific location. Project 477,000 in addition have money from other projects. Once we have approved will send to HUD and proceed with next step and do evaluations and getting appraisals and going through steps of having project plan come through. Love great job to you and assist.

Mayor Morales opened the public hearing at 10:39 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2015 - 186; 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.

## MISCELLANEOUS

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

PDM Bob Baronti gave a brief overview of the item noting this is Love Stop appealing denial of sign permit. Since then working with staff. Agreed on submittal to get pole sign to 40 feet. Directional signs reduced to 4 sq ft. The reason staff recommended denial is it doesn't meet code but Loves worked with staff. Rep Mr. Gleason here if additional questions.

Jeremy Reese, Florida. Sparks keep going want to see tire center. Is there a purpose of listing Bridgestone Michelin good year. It's advertising. Sparks think gets a lot closer to what word is. If all had was tire center and customer entrance. If someone stop for tire will go in and see what tires. Others disagreed need to have tires they want. Robnett. Lacy financial gain for advertising brand. Jeremy personal preference. Lacy did stop at Loves and signs are rather large. Hotchkiss same thing. Robnett where were we and where are we now. Morales started at 44 signs cut in half. Since last meeting didn't cut reduced directional and lowered high rise highway sign. Directions 4 square feet. They not included any more. Other council don't share objection to tire sign. Jeremy so many businesses are property need.

Lacy looking to put something in order

Council Member Lacy moved to approve a motion appealing the Building Official's denial of a sign permit application by Effective Images located on 5200 Cholla Road, Midland, Texas (Generally located northeast of the intersection of Antelope Trail and Cholla Road.); seconded by Council Member Robnett.

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

29. Approved a motion on request by Newton Engineering PC to defer public improvements for Hawk View Addition, and to reduce the corresponding financial security guarantee by \$3.18 million, an amount equal to the estimated cost of construction. The subject property is nearly the entire half section located on the west side of South County Road 1270 between West County Road 140 and West County Road 150 in the City of Midland ETJ, Midland County, Texas. (ENGINEERING SERVICES)

Jeff Cohen request by Newton Engineering and client to develop an industrial development out in EETJ about mile or so. Large development up against 2 main roadways in area would require substantial improvements. Staff recommending deferral because far out in airport district that development is probably not going to get out there before have to return funds. Love what do you mean industrial type development. Jeff don't know exact types of businesses trying to attract. Love would it be something

that would be LI. Developer may be able to shed light.

thomas ?? sw coerner 2 miles outside of City limits build to suit for oil service companies . 10:48 already drilled on well on our site.

Hotchkiss by deferral this would mean come back later and make them pay for their portion. Jeff deferral would waive and unless land use changes deferral will remain in place they would not be any attempt to make put in public improvements. This is in airport zoning. Asked applicant if aware of zoning in that area. Love Justine started talking about airport overlay zone and want to make sure airport is aware. Love ant to make you aware.

Council Member Lacy moved to approve a motion on request by Newton Engineering PC to defer public improvements for Hawk View Addition, and to reduce the corresponding financial security guarantee by \$3.18 million, an amount equal to the estimated cost of construction. The subject property is nearly the entire half section located on the west side of South County Road 1270 between West County Road 140 and West County Road 150 in the City of Midland ETJ, Midland County, Texas.; 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.

30. Approved a motion on request by Schumann Engineering Company Inc to defer public improvements for Melody Acres Addition Section 13, and to waive the corresponding financial security guarantee valued at \$523,975, an amount equal to the estimated cost of construction. The subject property is generally located on the west corner of the intersection of North Midland Drive and Mockingbird Lane in the City and County of Midland, Texas. (ENGINEERING SERVICES)

Jeff Cohen rec denial basically for one small aspect of request. they are requesting def of sewer and paving on Mockingbird and on Meadowlark. That they are supporting. but sidewalks due on Mockingbird meadowlark and Midland Drive . on meadowlark and Mockingbird approp to not require sidewalks. But Midland Drive think sidewalks are necessary. It connects neighborhoods. already provisions for pedestrian ramps at those corners so obviously an intent by previous developer to add sidewalks. Lacy are there sidewalks to north or south. no then why have sidewalk to nowhere. Sparks normally agree with mr cohen. its extremely long way to south before you get to a sidewalk. in this situation don't think I would rec sidewalk but do appreciate where Mr. Cohen is coming from. A lot driven by Midkiff. Lacy since large country estates. Dufford more continual to make deferral the less sidewalks we will ever have and City will have to pay for it at some time. Still talking about greenbelt and if sidewalk should be on other side. Lacy puts burden on taxpayer. Sparks already there for penalizing one person for subdividing. Hes not making subdivision. Love its not penalizing when it is the process. Its a burden but not a penalty.

Love if Council wanted to not deny sidewalks and defer everything .

Council Member Sparks moved to approve a motion on request by Schumann Engineering Company Inc to defer public improvements for Melody Acres Addition Section 13, and to waive the corresponding financial security guarantee valued at

\$523,975, an amount equal to the estimated cost of construction. The subject property is generally located on the west corner of the intersection of North Midland Drive and Mockingbird Lane in the City and County of Midland, Texas.; seconded by Council Member Lacy.

Hotchkiss slippery slope. when do you stop. Love iff asking for \$523,000 in deferral and sidewalks is \$21,000.

Love Midland drive iis supposed ot eventually connect with 349. We are going to want sidewalkss if that happens.

Lacy if want sidewalks will ahve to put in yourself.

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 amending Title X, "Traffic Regulations", Chapter Four, "Traffic Control Devices", Section 11, "School Zones and Crossings", of the Midland City Code, so as to designate each school zone and school crossing 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. 9304; 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. 9455

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 DESIGNATE EACH SCHOOL ZONE AND SCHOOL CROSSING 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. 9304; 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 Reyes read the caption of Ordinance No. 9455.

Mike Pacelli gave a brief overview of the item noting update to school zone ord, misd construction3 new elem schools so this adds schools zones in immed area aaround schools and one additional crossing avaloon drive for students wlaing in that area and because rearrange elem attendance fewer so able to remove 5 school zones 4 of which are on arterial. since updating ord talking with St. Anns shcool and remove school zone on illinois. elim 6 school adding number of school zones andd rearrange crossing guards and adding crossing guards. Lacy request of MISD. last eyar massive hadlien did not care about children and do. mike hav econcurrence last time and this.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9455 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.

32. Approved a resolution authorizing the City Manager to negotiate a professional services agreement with Rhotenberry, Wellen Architects for the renovation of Midland Center. (PURCHASING)

RESOLUTION NO. 2015 - 187

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH RHOTENBERRY WELLEN ARCHITECTS & PLANNERS, INC. FOR ARCHITECTURAL SERVICES FOR THE RENOVATION OF THE MIDLAND CENTER; AND APPROPRIATING FUNDS THEREFOR

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

**EXECUTIVE SESSION**

Mayor Morales noted 32 will be heard after executive session. will reconvene downstairs no sooner than 12:15 p.m.

recess at 11:11 a.m.

34. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:

a. Section 551.087 Deliberate Economic Development Negotiations

- a.1. Discuss business prospects that the City seeks to have, locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

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

PASSED AND APPROVED the \_\_ day of \_\_\_\_, 2015.

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Jerry F. Morales, Mayor

ATTEST:

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Amy M. Turner, City Secretary