

**MIDLAND CITY COUNCIL
MINUTES
June 27, 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 27, 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 27, 2017.

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

Council Members absent: None.

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

The Agenda Items were heard in the following order:

Mayor Morales called the meeting to order at __ a.m.

OPENING ITEMS

10:04

mayor asked prayers for dispalce fmilies due to storm.

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

PRESENTATIONS

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

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 4 - 15 excluding 5, 9; 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.

4. Approved a motion approving the following minutes:
 - a. Special City Council meeting of June 6, 2017.
 - b. Regular City Council meeting of June 13, 2017.
6. Approved a resolution awarding annual master agreements for the purchase of an estimated annuly supply of brass valves and fittings for the Municipal Warehouse. (PURCHASING)

RESOLUTION NO. 2017 - 166

RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENTS FOR THE PURCHASE OF BRASS FITTINGS AND VALVES OF ASSORTED SIZES FOR THE MUNICIPAL WAREHOUSE FROM THE RESPECTIVE LOW BIDDERS, HD SUPPLY WATERWORKS, OF EL PASO, TEXAS, AND WESTERN INDUSTRIAL SUPPLY, OF ODESSA, TEXAS, AT AN ESTIMATED TOTAL COST OF \$81,172.94

7. Approved a resolution awarding a Water Distribution System Modeling agreement for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 167

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD, INC., TO PROVIDE HYDRAULIC MODELING SERVICES FOR THE CITY OF MIDLAND'S WATER DISTRIBUTION

SYSTEM IN AN AMOUNT NOT TO EXCEED \$240,000.00

8. Approved a resolution awarding an Owner's Representative agreement for the Water Pollution Control Plant (WPCP) Reuse Construction Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 168

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., FOR TECHNICAL ASSISTANCE, START-UP ASSISTANCE, AND OWNER REPRESENTATIVE SERVICES FOR THE WATER POLLUTION CONTROL PLANT REUSE CONSTRUCTION PROJECT IN AN AMOUNT NOT TO EXCEED \$6,579,330.00; AND APPROPRIATING FUNDS THEREFOR

10. Approved a resolution authorizing the appropriation of \$350,000.00 from the Airport Operating Fund (500) Unappropriated Fund Balance (35650) to the project described as Rehabilitate Runways 10/28, 16R/34L and Taxiways (700203-505). (AIRPORTS)

RESOLUTION NO. 2017 - 170

RESOLUTION AUTHORIZING THE APPROPRIATION OF \$350,000.00 FROM THE AIRPORT OPERATING FUND TO THE REHABILITATE RUNWAYS 10/28, 16R/34L AND TAXIWAYS PROJECT

11. Approved a resolution of the City of Midland, Texas, finding that the application of Oncor Electric Delivery Company, LLC ("Oncor") to change rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by Oncor; finding that the meeting at which this resolution is passed is open to the public as required by law; and authorizing and directing the City Secretary to send copies of this resolution to Oncor and legal counsel for the steering committee (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 171

RESOLUTION OF THE CITY OF MIDLAND, TEXAS, FINDING THAT THE APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY, LLC ("ONCOR") TO CHANGE RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY ONCOR; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO SEND COPIES OF THIS RESOLUTION TO ONCOR AND LEGAL COUNSEL FOR THE STEERING COMMITTEE

12. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Targa Pipeline Mid-Continent WestTex, LLC, said Right-of-Way License is for entering the City of Midland's property for the purpose of operating, repairing, maintaining and removing one oil transportation pipeline, not to exceed eight (8) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located within City of Midland property, Block 37, T2S, ET Hopkins Survey No. 15 & Block 38, T2S, A.P. Veazey, A.P. Survey No. 47, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 172

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTTEX, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS BLOCK 37, TOWNSHIP 2 SOUTH, ET HOPKINS SURVEY NO. 15 AND BLOCK 38, TOWNSHIP 2 SOUTH, A.P. VEAZEY SURVEY NO. 47, MIDLAND COUNTY, TEXAS

13. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Targa Pipeline Mid-Continent WestTex, LLC, said Right-of-Way License is for entering the City of Midland's property for the purpose of operating, repairing, maintaining and removing one gas transportation pipeline, not to exceed three (3) 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 02, Block 37, T3S, T&P R.R. Co. Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 173

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTTEX, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 2, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

14. Approved a resolution amending resolution 2015-368 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 30, Block 36, T-3-S, T&P RR. Co. Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 174

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

15. Approved a resolution authorizing an Operating Certificate for Jezco Rentals, Inc to operate a limousine business (POLICE)

RESOLUTION NO. 2017 - 175

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR THE JEZCO RENTALS, INC., TO OPERATE A LIMOUSINE BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

5. Approved a resolution approving the purchase of ballistic rifle plates for the Police Department. (PURCHASING)

RESOLUTION NO. 2017 - 165

RESOLUTION AUTHORIZING THE PURCHASE OF BALLISTIC RIFLE PLATES AND CARRIERS FOR THE POLICE DEPARTMENT FROM CHASE TACTICAL, OF BELGRADE, MONTANA, AT A TOTAL COST OF \$87,248.00

Robnett pulled. Price Robinson recognized donors that made purchase possible. Realize importance of rifle plates community relations officer decided to start fund raising to purchase them. Tim Leach Abel Hangar Medical Center Pharmacy. Emily Oximer Midland Bible Church, and a lot of community members sent in checks and showed up at fund raisers. asked to pull publicly thank for support of dept and project. Sparks obviously real proud of the community and they care about their police force.

Council Member Love moved to adopt Resolution No. 2017 - 165; 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.

9. Approved a resolution ratifying the emergency repair of the sewer line and manhole replacement in front of Johnny Carino's on the Loop 250 access road for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 169

RESOLUTION RATIFYING THE PAYMENT OF \$213,434.00 TO TEC EXCAVATION, INC., OF MIDLAND, TEXAS, FOR THE EMERGENCY REPAIR OF A SEWER LINE AND THE REPLACEMENT OF THE ASSOCIATED MANHOLE FOR THE UTILITIES DEPARTMENT

Lacy pulled ?? 10:09. Laura replaced manhole, pipe collapsed they worked to try to get old pipe out and took whole to figure out what happened. clean out to do slip line. had to wait in slip line pipe. took way longer than should have had know what up against would have been prepared better.

Council Member Lacy moved to adopt Resolution No. 2017 - 169; 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.

SECOND READINGS

16. Consider an ordinance on second reading 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 N. 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 SueAnn Lopez read the caption of Ordinance No. 9673.

Council Member Love moved to approve the second and final reading of Ordinance No. 9673 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.

17. Consider an ordinance on second reading 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 W. Loop 250 North, approximately 720-feet west of N. 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 SueAnn Lopez read the caption of Ordinance No. 9674.

Council Member Love moved to approve the second and final reading 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, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

PUBLIC HEARINGS

18. Hold a public hearing and consider a resolution on a request to expand the Midland Center and construct new staging, lighting, turf, trees, benches, sidewalks, and a splash pad, on Centennial Park, for public use. A portion of the new Midland Center will be located on Centennial Park. (Generally located on block 54, lots 13-24, Original Town Addition, and adjacent right-of-way) (COMMUNITY SERVICES)

RESOLUTION NO. 2017 - 176

RESOLUTION OF THE CITY COUNCIL OF MIDLAND, TEXAS, MAKING CERTAIN FINDINGS, PURSUANT TO CHAPTER 26 OF THE TEXAS PARKS AND WILDLIFE CODE, THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE CHANGE IN USE OF AN APPROXIMATE 5,472 SQUARE FOOT TRACT OF LAND OUT OF LOTS 18-22, BLOCK 54, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PUBLIC PARK USE TO BE USED FOR THE NEW MIDLAND CENTER FOR PUBLIC USE; AND MAKING THE SAME FINDING REGARDING THE COMPLETION OF IMPROVEMENTS TO INCLUDE NEW STAGING, LIGHTING, TURF, TREES, BENCHES, SIDEWALKS, AND A SPLASH PAD IN CENTENNIAL PARK, FOR PUBLIC USE; SAID IMPROVEMENTS TO BE LOCATED ON CENTENNIAL PARK LOCATED ON LOTS 13-24, BLOCK 54, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF WALL STREET, SOUTH OF TEXAS AVENUE, EAST OF THE SITE OF THE FORMER MIDLAND COUNTY COURTHOUSE, AND WEST OF MAIN STREET)

Community Services Director Tina Jauz provided a brief overview of the item noting next step to move from demo to construction of Midland Center.

Mayor Morales opened the public hearing at 10:13 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2017 - 176; 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.

19. Hold a public hearing and consider a resolution on a request by Museum of the Southwest, for a Temporary Land Use Permit for an Arts Festival on Lots 10-12, Block 93, Lots 1-5, Block 105, all of Block 94, a 0.6-acre portion of Block 104, the portion of South 'K' Street adjacent to Block 93 and 94, the portion of West Indiana Avenue adjacent to Block 93 and 96, and a portion of Haley Park, West End Addition, City and County of Midland, Texas. (Generally located on the southside of West Missouri Avenue, between South 'J' and South 'L' Streets.) (Planning Admin)

RESOLUTION NO. 2017 - 177

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FESTIVAL ON LOTS 10-12, BLOCK 93, ALL OF BLOCK 94, A 0.6-ACRE PORTION OF BLOCK 104, LOTS 1-5, BLOCK 105, THE PORTION OF SOUTH K STREET ADJACENT TO BLOCKS 93 AND 94, AND THE PORTION OF WEST INDIANA AVENUE ADJACENT TO BLOCKS 93 AND 96, WEST END ADDITION, CITY AND COUNTY OF MIDLAND,

TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST MISSOURI AVENUE, BETWEEN SOUTH J STREET AND SOUTH L 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 museum of sw asking a tluy for 48th annual septemberfest on site of museum of sw and portion of haley park 9/8 through 9/10. food live music 15 portable restrooms and 12 peace officers on duty. parking agreement reached and offsite parking available. circ and rev by all dept staf rec approval drawing attention to item d no isntallion electiral line no trenching in park and no glass containers. Love a few years ago there was some friction between museum of sw and neighborhood and the follwoing year seemed to be able to work it out any feedback from neighborhood. cchuck no feedback.

Mayor Morales opened the public hearing at 10:16 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Hotchkiss moved to adopt Resolution No. 2017 - 177; seconded by Council Member Lacy.

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

20. Hold a Public Hearing and consider an ordinance on a request by Los Conchos Ventures, for approval of a Special Exception to the City of Midland Zoning Ordinance Section 11-1-7 concerning front yard setbacks on a 60.84-arce tract located in the west 1/2 of Section 6, Block X, H. P. Hilliard Survey, being a 67.17 acre tract save and except a 6.33 acre tract, City and County of Midland, Texas. (Generally located west of Oriole Drive, approximately 1,000-feet west of Holiday Hill Road. Council District 1 (Planning Admin))

ORDINANCE NO. 9675

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 60.84-ACRE TRACT OF LAND LOCATED IN THE WEST HALF OF SECTION 6, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF ORIOLE DRIVE, APPROXIMATELY 200 FEET NORTH OF HILLTOP DRIVE), BY PERMITTING A REDUCED FRONT YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9675.

Development Services Director Chuck Harrington gave a brief overview of the item noting special exception to front yard set back normally at 20 ft. this dev is requesting extra space in rear rather than front. new concept for theeir development is intenral to this subdivision. staff reviewed eengineer made requeset and staff agreed that 15 foot setbaack is reduced cannot ahve any front entrance garages it goes back to 20 feet to

keep from interfering. asked that this be placed on their plat.

Mayor what amenities? Chuck more space in back to move garage off alley. sidewalk curb all in. chucik appear more like wlaing subdivison. Love 2 objeciton letters. Chcuk not sure whre objection si coming from because internal to subdiivson.

Mayor Morales opened the public hearing at 10:19 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9675 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.

21. Hold a public hearing and consider an ordinance on a request by Mis Amigas Restaurant II for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Tract 9, Morningside Addition, City and County of Midland, Texas. (Generally located on N. Big Spring Street, approximately 300-feet north of Scharbauer Drive.) (Planning Admin)

ORDINANCE NO. 9676

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS TRACT 9, MORNINGSID ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE ON NORTH BIG SPRING STREET, APPROXIMATELY 300 FEET NORTH OF SCHARBAUER 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 Lopez read the caption of Ordinance No. 9676.

Development Services Director Chuck Harrington gave a brief overview of the item noting request nearly a year ago. Mis Amigas for rest approved by City Council Jul 12 last year unable eto attain coo under 120 days had to come back thru process. Nothign has changed service area same and hours same. significantly changed form staff standpoint Kelview heights baptist church facility within 300 ft. last city council waived in view of letter sent by kelview hts. staff in position can't amend ordinance have to be in positon to deny but recognize council aproved in past. suggest if case council wants to do that that approve subject to reg and cond of 1-j in agenda item. Love clena up what said. The letter said? Chuck he had no objection because other est service alocholic beverages. no new letter.

Mayor Morales opened the public hearing at 10:22 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. 9676 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Council Member Sparks moved to amend the motion by changing service hours on Sunday to begin at 11:00 a.m. ; seconded by .; seconded by Council Member Lacy.

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

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

22. Hold a public hearing 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. 112H) located 2,416 feet from the north line and 2,360 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 2,280 feet west of Fairgrounds Road.) This is a public hearing only. (Planning Admin)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting well app been to o7g first of five wells sharing same pad site. sister of wlel at lasst public meeting. only variance in 24-frac variance. this well needed app been approved by zoa fo gheight rest due to airpark. app approved for height.

Mayor Morales opened the public hearing at 10:26 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

23. 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. 113H) located 2,416 feet from the north line and 2,330 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 2,250 feet west of Fairgrounds Road.) This is a public hearing only. (Planning Admin)

Oil and Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting everything same.

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.

24. 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. 114H) located 2,416 feet from the north line and 2,300 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 2,220 feet west of Fairgrounds Road. This is a public hearing only. (Planning Admin)

Oil & Gas Compliance Officer Ron Jenkins noted this item ist he same as last item.

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.

25. 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. 116H) located 2,416 feet from the north line and 2,240 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 2,160 feet west of Fairgrounds Road.) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins noted all items are the same as previous item.

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.

26. 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. 117H) located 2,416 feet from the north line and 2,210 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 2,130 feet west of Fairgrounds Road. This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins noted info was the same as previous item.

Mayor Morales opened the public hearing at 10:29 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

27. Hold a public hearing regarding whether the Nuf-Sed Barbershop, located at 305 North Lee Street, Midland, Texas, 79701 on the North ½ of Lot 1, Block 15, Moody Addition is a Substandard Building and whether the Building Official's recommended action of demolition or other action should be ordered, and consider a resolution approving the issuance of an order finding said building to be a Substandard Building and order the owner(s) of said building and lienholder(s) and mortgagee(s) having an interest in said building, if any, to vacate, secure, repair, remove or demolish the building , or relocate the building's occupants. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 178

RESOLUTION APPROVING THE ISSUANCE OF AN ORDER FINDING THE BUILDING LOCATED ON THE NORTH HALF OF LOT 1, BLOCK 15, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT 305 NORTH LEE STREET, MIDLAND, TEXAS 79701) TO BE A SUBSTANDARD BUILDING AND ORDERING THE OWNER(S) OF SAID BUILDING AND LIENHOLDER(S) AND MORTGAGEE(S) HAVING AN INTEREST IN SAID BUILDING, IF ANY, TO TAKE ABATEMENT ACTION AS SPECIFIED IN THE ORDER, AND, IF SAID ABATEMENT ACTION IS NOT TAKEN, AUTHORIZING THE CITY OF MIDLAND TO TAKE ABATEMENT ACTION; AUTHORIZING AND DIRECTING THE BUILDING OFFICIAL TO PROMPTLY PROVIDE A COPY OF SAID ORDER TO THE OWNER(S) OF THE BUILDING AND TO ANY LIENHOLDER(S) OR MORTGAGEE(S) OF THE BUILDING, AS DETERMINED THROUGH THE USE OF THE CITY'S BEST EFFORTS; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO PUBLISH A

NOTICE IN ACCORDANCE WITH THE ORDER

Building Official Steve Thorpe present evidence regarding Nuf-Sed Barbershop 305 N. Lee Street. Been in area of Midland for a long time and important to community but fallen into disrepair. Notifications mailed out May 16 to all identified interested parties, notice posted on building, notice published in mrt on 5/21 and 5/28 and posted at county clerk's office. History received complaint in February of 2013 no restroom and no running water. posted building unsafe people loitering in and at. no repairs. Property taxes for 15 and 16 not paid. Midland has outstanding demo invoice for 9314 form 5/99 for demo of different building on same property with same owner. Mr. Johnson owner through Mr. Lee's estate. Midland central appraisal value 12,020 building 5910 and land 6110. Shared a list of violations for the property including hole in roof, deteriorated roof covering, roof decking decaying, south wall visible bow, exterior walls hole, west wall damage window and door, no wall or ceiling materials, ceiling raming visible deflection, no operating plumbing heating/cooling and electrical systems, Shared pictures depicting violations issued. He shared an exhaustive list of repairs required to make building occupiable. Owner of building is entitled to make repairs but need to be done with bonded contractors. Have had asbestos remediation investigation and for any work remediation needs to take place prior to a permit. If it needs to be demolished recommendation going to request that it is done wetted and demoed in place so no asbestos remediation is required. repairs require remediation. The recommendation is to have owner to have repairs commence under permits held by appropriate contractors. upon completion of said repairs all permitted repairs shall have received approved final inspections or see list..

Love he inherited lien and that might not ever get paid. why put in? Steve all on same property apparently's second building there previously that was already demolished the city has a vested interest in property. Love did he inherit entire property? Steve entire property. Mayor would owner of this property have to retain lawyer to remove lien? John liens are not subject of what is before. John security is property itself if property sold thru title company would catch lien and say cannot provide title insurance unless take care of lien. if sold privately the lien will never be taken care of unless city proactively tries to collect on lien. Love is there ever situation in which city tries to foreclose to collect lien. John possibility but have to look at value of property worth what getting. Love property is 6000 for lot 5900 for building so not a lot of value there but could be potential value for revitalization of area. If council votes to tear this down opens up land for development and presents challenging situation or never be sold.

Lacy council could vote to release lien.

Mayor Morales opened the public hearing at 10:41 a.m.

Leonard Johnson, 509 S Jackson St, Love your intent to try to repair. He is not able to. Sparks are there any items inside that want to retain? No he has everything he wants. He got his barber tools when they closed down. Mayor appreciate closing when approached to close. He wants to speak for palce young lady came about 4-5 years historical people in Austin. At that time id ont' want to do that. He thought about it couple of years found out has MR. Greg Smith in Austin came about 2-3 times told him about barber shop did want to be one of first landmarks in Midland. He tried to get it to be Midland first landmark. He checked it out real good but 2-3 months ago he called he needed more information and tried to give it to him the place built in 30s and prev owner

passed away in 72. He wants to save place as Midland's first landmark.

Rosalind Perkins, 4103 Crestgate Ave, she was recent owner of Eddie's catfish and she knows Mr. Leonard blessed to be in vicinity 7 years. 7 number of completion. Her assignment clean up area of town along with greater ideal economic development. thanked city or support she received not easy task. If familiar with side of town a lot of drug activity and in that area including Nuf-Sed. thanked Steve she contacted City and Steve very supportive and Chief Robinson came out. Unfortunately for Mr. Johnson but when moved into location that shop should have been closed no running water or facilities. At end of 7 years because of Steve working with them and Chief Robinson able to clean up area. If were to take time don't see any of that activity. When Dr. Bell started cleaning up south side of Midland didn't have any support other than city when started. all trying to do is create a home environment want residents to feel like a part of Midland so not asking City to help with projects just support. only reason here to day is to say thank you and necessary for what trying to do on that side of town is to clean up and need building to be demolished. Sparks done a wonderful job it's a hard job put in a lot of hard work.. tried to work with Mr. Leonard don't want to put anybody out just want to support.

There being no one else wishing to speak, the public hearing was closed at 10:49 a.m.

Council Member Love moved to adopt Resolution No. 2017 - 178; seconded by Council Member Lacy.

Love this is really hard is because of what Mr. Johnson saying about history of building and Savoy. Midland part of Chitlin circuit bb king Ike and Tina Turner and other artists came through at Savoy and got hair cut at that barbershop. going to vote but real hard.

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

28. Hold a public hearing regarding whether the Savoy, located at 1109 East Illinois Avenue, Midland, Texas, 79701 on Lot 002, S. 53, Block 15, Moody Addition is a Substandard Building and whether the Building Official's recommended action of demolition or other action should be ordered, and consider a resolution approving the issuance of an order finding said building to be a Substandard Building and order the owner(s) of said building and lienholder(s) and mortgagee(s) having an interest in said building, if any, to vacate, secure, repair, remove or demolish the building, or relocate the building's occupants. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 179

RESOLUTION APPROVING THE ISSUANCE OF AN ORDER FINDING THE BUILDING LOCATED ON THE SOUTH 53 FEET OF LOT 2, BLOCK 15, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT 1109 EAST ILLINOIS AVENUE, MIDLAND, TEXAS 79701) TO BE A SUBSTANDARD BUILDING AND ORDERING THE OWNER(S) OF SAID BUILDING AND LIENHOLDER(S) AND MORTGAGEE(S) HAVING AN INTEREST IN SAID BUILDING, IF ANY, TO TAKE ABATEMENT ACTION AS SPECIFIED IN THE ORDER, AND, IF SAID ABATEMENT ACTION IS NOT TAKEN, AUTHORIZING THE CITY OF MIDLAND TO TAKE ABATEMENT ACTION; AUTHORIZING AND DIRECTING THE BUILDING OFFICIAL TO PROMPTLY PROVIDE A COPY OF SAID ORDER TO THE OWNER(S)

OF THE BUILDING AND TO ANY LIENHOLDER(S) OR MORTGAGEE(S) OF THE BUILDING, AS DETERMINED THROUGH THE USE OF THE CITY'S BEST EFFORTS; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO PUBLISH A NOTICE IN ACCORDANCE WITH THE ORDER

Building Official Steve Thorpe directly west of eddies catfish and southwest of nuf sed barbershop. Noticed mailed on May 16 have heard nothing from anyone certified mail came back regular did not. notice posted on building, published in mrt on 5/21 and 5/28 and posted at County Clerk Office. Steve reviewed history building vacant for several years. problems with location of a well. Love do mineral rights stay with owner. Steve assume so. Building found open march 2012 city boarded up.; property taxes outstanding for 2016. Currently appraised value is 12,460 building 7160 and land 530.0. j Reviewed violations including holes in roof, roof deteriorated, roof decking and framing decaying, exterior walls holes, building damaged windows and doors, ceiling materials are in state of collapse, siding and roof framing have visible deflections, no operating plumbing heating/cooling and electrical system. He shared pictures depicting the violations. He shared a list of repairs that would be required. He shared his recommendation. Love after this vote what is time frame. Steve 90 days at earliest.

Mayor Morales opened the public hearing at 10:57 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2017 - 179; 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.

John handouts presented during this hearing. asked City secretary to replace ask minutes MrThorpe presented at hearing today. place in file

MISCELLANEOUS

29. Approved a motion on request by GBT to defer public water and wastewater improvements for Rolling Green Acres Addition Section 3, and to waive the corresponding financial security guarantee valued at \$390,085, an amount equal to the estimated cost of construction. The subject property is located at the northwest corner of SH 80 and Todd Road in the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

Jeff this item and next one involve dollar general on east side of town at Todd Road and Hwy 80. introduced Bob Gage on behalf of applicant and would like to address council.

Bob Gage gbt realty in TN , #29 table if possible and come back and talk another time working on a few issues not resolved. defer it.

Council Member Lacy moved to defer to a date uncertain; 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.

30. Approved a resolution authorizing the execution of a Public Improvement Development Agreement with Midland (Todd) DTP, LLC in the amount of \$104,150 for future design and construction of public paving improvements on Todd Road to serve Rolling Green Acres Addition Section 3; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. The subject property is located at the northwest corner of SH 80 and Todd Road in the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 180

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH MIDLAND (TODD) DTP, LLC FOR PAVING IMPROVEMENTS TO TODD ROAD TO SERVE ROLLING GREEN ACRES ADDITION, SECTION 3 (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF BUSINESS INTERSTATE 20 AND TODD ROAD); AND DEPOSITING AND APPROPRIATING FUNDS THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

Jeff this is request to participate with City part of requirement to develop site involving a 5-lane arterial road which will be Todd Rd later in future. like to escrow for a future project. Lacy don't have to construct in 10 years. John agreement is 20 years.

Mr. Gage agree with developers agreement and prepared to put up money.

Council Member Love moved to adopt Resolution No. 2017 - 180; 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.

31. Approved a motion making appointments to various boards and commissions

Council Member Hotchkiss moved to reappoint Larry Edgerton to MHMR; 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.

PUBLIC COMMENT

Tracy Gearhart, 6706 Mosswood, with dog rescue masa ?? 11:05 function of what she does go to shelter take pictures and post on facebook site in hope of reunited dog or getting adopted out or sending to rescue. have a lot of out of state rescues that want our dogs. the problem having (nothing to do with shelter employees) with building itself. Probably remember remodel the floors weren't done properly and 3 months after floor started crack and splitting there was back and forth company said november told by director company redo floors in november still not redone. almost every dog coming out of shelter has had distemper it is a disease dogs get that is usually deadly. 4 girls that are taking dogs from shelter put in over 2000 of own money shitzus every breed imagine

purebred event hough mix personally Isot 2 10 week old border collies to distemper floors can harbour that. director done research switched up cleaners . problem is floor don't know why dragging oout. taking about 1000 dogs dying in a eyar and shelter needs a hbac system ac system that will suck bad air out and recycle and put good air in. IT doesnt' have that and it needs that. Building is so outdated lubbock seguin arlington this is where all going allowing dogs to come in and eat on aptio. dogs are a way of life now. go to different cities to see dog friendly city. we are not. 20,000 followers across united states cannot repeat horrible things being said about shelter. watched for 2 years progressive trying to move Midland where needs to be and feel like are you aware of what is going on with Shelter and repuation Midland has gotten because of HVAC and floors. Robnett. this is eomthing worked on and he will follow up and leav einformation with City secretary. meet this week. One more point there is aresecure freedom service dogs and pull form shelters. hold 2 clay shots in midland colorado train dogs for vets they want our dogs can't take dog that come down with distemper. please consider hvac and flooring. Mayor how does cracked floor cause distemper. Tracye floors are cracked and pours underneath germs get in cracks. drains are bad too.;

Mayor employee leaving sad to see her go Sara Bustilloz pio relocated to Austin area. This is last meeting on behalf oc ouncil and community thank for service and time. Dearly missed so much put on map with social media and ocommunication improvement. blessing to Council wish bes tof luck in Austin area. Sara honor to work with yall this is family and shes loved it. Hotchkiss want to take picture after meeting.

adj 11:12 a.m.

32. 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