MIDLAND CITY COUNCIL
MINUTES
June 28, 2016

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ___ a.m. on June 28, 2016.

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

Council Members absent: None.

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

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at ___ a.m., June 28, 2016.

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

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

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 1002

1. Invocation - Reverend Roy Smith, True Lite Christian Fellowship

2. Pledge of Allegiance

PRESENTATIONS

Tom Strope Trulite

2 soci l medi & ps summer mummer

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

   a. Recognize Public Information Office for receiving two first place awards at the 2016 Texas Association of Municipal Information Officers conference in Arlington.

PUBLIC COMMENT

none

4. 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.)

CONSENT AGENDA

5. Approved a motion approving the following minutes:

   Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding 6, 12; seconded by Council Member Robnett.

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

   a. Regular meeting of June 14, 2016.

   Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding 6, 12; seconded by Council Member Robnett.

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

6. Approved a resolution approving specifications and authorizing advertisement for bids for the Frictional Asphaltic Surface Preservation Treatment Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2016 - 186

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE FISCAL YEAR 2016 FRICTIONAL ASPHALTIC SURFACE PRESERVATION TREATMENT PROJECT; SAID PROJECT WILL PROVIDE FOR THE TREATMENT OF ROAD SURFACES TO IMPROVE THE FRICTIONAL CHARACTERISTICS AND EXTEND THE USEFUL LIVES OF THE ROAD SURFACES

JR microsur prev yr, 10:14 nott s me prob

Council Member Lacy moved to adopt Resolution No. 2016 - 186; 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.

7. Approved a resolution approving the purchase of spring seed to the sole bidder Helena Chemical for a total cost of $57,925.00 for the Utilities Department (PURCHASING)

RESOLUTION NO. 2016 - 187

RESOLUTION AUTHORIZING THE PURCHASE OF 8,750 POUNDS OF COTTON SEED FOR SPRABERRY FARM FROM THE SOLE BIDDER, HELENA CHEMICAL, OF STANTON, TEXAS, AT A TOTAL COST OF $57,925.00

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding 6, 12; seconded by Council Member Robnett.

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

8. Approved a resolution approving the purchase of network switches and wireless access control for the new Municipal Court from Solid IT Networks through the Texas Department of Information Resources contract DIR-TSO-2668 for a total cost of $83,473.82 (PURCHASING)

RESOLUTION NO. 2016 - 188

RESOLUTION APPROVING THE PURCHASE OF CORE AND NETWORK SWITCHES AND A WIRELESS CONTROLLER AND ACCESS POINTS FROM SOLID IT NETWORKS, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF $83,473.82

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding 6, 12; seconded by Council Member Robnett.

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

9. Approved a resolution approving an emergency contract with ABCO Fire Protection, Inc. for the repair of the fire protection system at Grande Communications Stadium for a cost of $55,000.00 for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 189

RESOLUTION APPROVING A CONTRACT WITH ABCO FIRE PROTECTION, INC., FOR THE REPAIR OF THE FIRE PROTECTION SYSTEM AT GRANDE COMMUNICATIONS STADIUM AT A TOTAL COST OF $55,000.00

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding 6, 12; seconded by Council Member Robnett.

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

10. Approved a resolution authorizing the execution of an Air Cargo Lease Agreement at the Midland International Air & Space Port between Southwest Airlines Company and the City of Midland, Texas. (AIRPORTS)

RESOLUTION NO. 2016 - 190

RESOLUTION AUTHORIZING THE EXECUTION OF AN AIR CARGO LEASE AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS AND SOUTHWEST AIRLINES CO., FOR THE LEASE OF 3,614.80 SQUARE FEET IN THE AIR CARGO FACILITY AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding 6, 12; seconded by Council Member Robnett.

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

11. Approved a resolution granting a 0.120 acre Utility Easement, located in Section 30, Block 36, T-3-S, T&P RR Co. Survey, immediately north of E County Road 230 and 3.5 miles southwest of E Highway 158, for the purpose of allowing Oncor Electric Delivery Company LLC., to construct and maintain electric lines and any associated facilities; authorizing the execution of said Utility Easement; and ordering recordation by the City Secretary (Midland County). (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 191

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, AN INSTRUMENT GRANTING A 0.120-ACRE UTILITY EASEMENT AND RIGHT-OF-WAY LOCATED IN SECTION 30, BLOCK 36, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED IMMEDIATELY NORTH OF EAST COUNTY ROAD 230, APPROXIMATELY 3.5 MILES SOUTHWEST OF EAST STATE HIGHWAY 158), TO ONCOR ELECTRIC DELIVERY COMPANY LLC

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding 6, 12; seconded by Council Member Robnett.

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

12. Approved a resolution authorizing and executing a new Right-of-Way License between the City of Midland and Plains Marketing L.P., to replace Plains Marketing's current

Right-of-Way License (Resolution 2006-287) at this location, which will expire in October of 2016. This Right-of-Way License is for entering the City of Midland's property for the purpose of operating, repairing, maintaining and removing an 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, Sections 3 and 10, Block 37, T-3-S, T&P RR Co Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 192

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND PLAINS MARKETING, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 3 AND 10, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Sparks moved to adopt Resolution No. 2016 - 192; seconded by Council Member Dufford.

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

13. Approved a motion on request by West Company to defer public improvements for Covington Addition, Section 4, and to waive the corresponding financial security guarantee valued at $53,753.00, an amount equal to the estimated cost of construction. The subject property is generally located northwest of the intersection of Tower Road and Jordy Road located within the City of Midland corporate limits. (ENGINEERING SERVICES)

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding 6, 12; seconded by Council Member Robnett.

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

14. Approved a motion approving an Economic Development Agreement between the Midland Development Corporation and the Spaceport Development Corporation for certain infrastructure and improvements at the Spaceport Business Park located at Midland International Air and Space Port. (CITY MANAGER'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding 6, 12; seconded by Council Member Robnett.

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

15. Approved a motion approving plans and specifications for the Spaceport Business Park Roadway and Infrastructure Improvement Project; authorizing the City Manager to negotiate and execute an Interlocal Agreement between the City of Midland, the Spaceport Development Corporation, and the Midland Development Corporation regarding development management services and other matters necessary for said project; and authorizing the City Manager to negotiate and execute any and all documents necessary for said project. (CITY MANAGER'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding 6, 12; seconded by Council Member Robnett.

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

16. Approved a resolution changing the 2016 City Council meeting calandar by adding three special meetings on July 25, August 02, and August 16; and adding one regular meeting on August 30. (FINANCE)

RESOLUTION NO. 2016 - 193

RESOLUTION ADDING THREE (3) SPECIAL CITY COUNCIL MEETINGS ON JULY 25, 2016, AUGUST 2, 2016, AND AUGUST 16, 2016; AND ADDING ONE (1) REGULAR CITY COUNCIL MEETING ON AUGUST 30, 2016, TO THE CITY COUNCIL MEETINGS SCHEDULED FOR THE 2016 CALENDAR YEAR

Council Member Lacy moved to approve Consent Agenda items 5 - 16 excluding 6, 12; seconded by Council Member Robnett.

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

SECOND READINGS

17. Consider an ordinance on second reading on a request by DDC Merritt Leisure, Ltd. for a zone change from PD, Planned District for a Housing Development, in part, and PD, Planned District for a Shopping Center, in part, to PD, Planned District for a Housing Development, on Lots 1 and 2, Block 162, and the south 378-feet of Lot 1R, Block 163, 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) (First reading held April 12, 2016.)

ORDINANCE NO. 9555

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, AND THE SOUTH 378 FEET OF LOT 1R, BLOCK 163, WILSHIRE PARK ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, IN PART, AND PD, PLANNED DISTRICT FOR A SHOPPING CENTER, IN PART, 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 Lopez read the caption of Ordinance No. 9555.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9555 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 Schumann Engineering for a Special Exception to the Zoning Code concerning the maximum height of an accessory structure with open sides on Lot 1 and the south half of Lot 2, Block 3, Grafaland Addition, City and County of Midland, Texas. (Generally located northwest of the intersection of West Broadway Street and West Ohio Avenue.) (DEVELOPMENT SERVICES) (First reading held on June 14, 2016.)

ORDINANCE NO. 9576

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1 AND THE SOUTH HALF OF LOT 2, BLOCK 3, GRAFALAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF WEST BROADWAY STREET AND WEST OHIO AVENUE), BY PERMITTING A DETACHED ACCESSORY STRUCTURE WITH OPEN SIDES HAVING A MAXIMUM HEIGHT NOT TO EXCEED 15 FEET; 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.9576.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9576 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

19. Consider an ordinance on second reading amending Title V, "Business Regulation", Chapter 6, "Taxicabs", of the Midland City Code. (CITY ATTORNEY'S OFFICE) (First reading held on June 14, 2016.)

ORDINANCE NO. 9577

ORDINANCE AMENDING TITLE V, "BUSINESS REGULATIONS", CHAPTER 6, "TAXICABS", OF THE MIDLAND CITY CODE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS ($500.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9577.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9577 in accordance with the Charter of the City of Midland with amendment 1) Required posting of Fare Negotiations Subsection 5-6-6(e) in the taxicab; and b. Required posting of a complaint notice sign int he taxicab. 2. provide an option for taxi companies

to obtain one-mobnth airport cabstand permits at a cost of $25.00 per vehicle.; seconded by Council Member Love.

First requires regulations be posted in cab and complaint notice nogit or fare posted second option of paying $300 fee in monthly payments of $25. at request of taxi. Effective date. Love who responsible for cab fee pay monthly. Courtney continue to vet process through through airports. Morales when say first in state to have similar ordinances? John there are other cities who are going through process but we at forefront.

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

PUBLIC HEARINGS

20. Hold a public hearing and consider an ordinance adopting the Tall City Tomorrow Comprehensive Plan, as authorized by Chapter 213 of the Texas Local Government Code, said comprehensive plan illustrating the future development of the City. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9578

AN ORDINANCE OF THE CITY OF MIDLAND, TEXAS, ADOPTING THE TALL CITY TOMORROW COMPREHENSIVE PLAN AS AUTHORIZED BY CHAPTER 213 OF THE TEXAS LOCAL GOVERNMENT CODE; SAID COMPREHENSIVE PLAN ILLUSTRATING THE FUTURE DEVELOPMENT OF THE CITY; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF AUGUST 1, 2016

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9578.

Eric West Parkhill smith and cooper reviewed the Tall City Tomorrow Comprehensive Plan by sharing a presentation giving an overview. Guide for City growth and development for next 20 plus years. Request is to adopt the plan and make this first step of action making this vision a relaity. Love question what happened to RDG Planning and Design, only saw them once and not here today. Eric Amy Hase was project mgr she led all public mtgs in Midland and gave several briefings. Eric presented at P&Z and to Council briefing because they were being budget conscious to save travel expenses. Eric RDG did tremendous job for City. They liked way project was structured, when they came to MIdland they experienced MIdland and got to know it as well as possible. Courtney not only Pakrhill reps locally, staff with time. staaff proud to present this for Council consideration. Mayor excited giving the City a document to address an engaged Midland change rtoadsystems . thanked ppsc and staff. Hotchkiss citizens showed up aand were engaged in the process in meetings and on social media. Courtney, staff will review every year and if any changes needed it will come to Council. Will mandate update every 5 years if not annually.

Development Services Director Chuck there were minor reivsions and amendments in document what was table for accomplishing goals was moved to apendix and the revision will take it out. Love no substantive changes just house keeper.

Mayor MOrales oph 10:31 a.m. cph

Council Member Love moved approval of the first of two readings of Ordinance No. 9578 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.

John clarificaiton on taxi ordinance it goes into affect after published in paper sso first week of july not august.

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

ORDINANCE NO. 9579

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS TRACT 9, MORNINGSIDE 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. 9579.

Development Services Directorr Chuck Harrington gave a brief overview of the item noting restaurant on Big Spring. Floor area 2635 ft adequate restrooms seerv hours mon sun 10 a.m. to 9 p.m. PRoper zoned approp, across stret KElview htgs Baptist Church which reestricts ability becuase of 300 ft distance to restaurant and staff could not rec approval of request. included rrules. Did copntact kelview hts baptist church it was not in line with what they believe as a church but knew neighborhoodd was alreaddy such with restaurant to north, smoke shop both sold alcoholic beverages. They weren't opposed to it. Uner rules that state has establlished council has auth to wiave 300 ft as special exception. It is a variance allowed by sstate law. p7z rec approval.

Hotchkiss thanked staff for checking with Church.

Lacy opened ph 10:36 a.m. cph

Council Member Love moved approval of the first of two readings of Ordinance No. 9579 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

subject to staff rec.

Sparks appreciate that area more appropriate for restaurant but disappointed that closee tto youth area. ambivalent hours appropriate for a restaurant. Laacy agree but place across treet sells alcohol. Dufford when purchased property they kenw what they were gettiing into. Hotchkiss was going to vote against until heard church knew what they were doing when they aquired propertty.

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

22. Hold a public hearing and consider an ordinance on a request by Rene Robles to vacate the 0.09-acre portion of the street right-of-way, located adjacent to Lot 1, Block 44, South Park Addition, City and County of Midland, Texas. (Generally located on the south side of East Hicks Avenue, approximately 580-feet west of South Terrell Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 9580

AN ORDINANCE VACATING AND ABANDONING A 0.09-ACRE PORTION OF SOUTH FORT WORTH STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOT 1, BLOCK 44, SOUTH PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF EAST HICKS AVENUE, APPROXIMATELY 580 FEET WEST OF SOUTH TERRELL STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $7,646.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9580.

Development Servicess Director Chuck Harrington gave a brief overview of the item noting applicant owns all 3 sides of property will be used ot expand home. value established $7646. staff recommends approval. One letter of objection but doesn't know how impacts them. Lacy why everything $2 sq ft row?

Mayor Morales oph 10:40 a.m. cph

Love when first saw aprehensive in his distrcit. Recent push to increase mobile home district this is noot trying to expand on existing house and no where. he can support.

Council Member Love moved approval of the first of two readings of Ordinance No. 9580 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.

23. Hold a public hearing and consider an ordinance on a request by Johnny Reyes for a zone change from CE, Country Estate District, in part, and AE, Agricultural Estate District, in part, to LR-1, Local Retail District, on a 7.45-acre tract of land, being all of Lot 1, Block 1, Rolling Green Acres Addition, and a 6.25-acre tract of land out of Section 42, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally

located northwest of the intersection of Todd Drive and East Highway 80.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9581

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 7.45-ACRE TRACT OF LAND, BEING ALL OF LOT 1, BLOCK 1, ROLLING GREEN ACRES ADDITION, AND A 6.25-ACRE TRACT OF LAND OUT OF SECTION 42, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED CE, COUNTRY ESTATE DISTRICT, IN PART, AND AE, AGRICULTURE ESTATE DISTRICT, IN PART, TO BE USED AS AN LR-1, LOCAL RETAIL DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF TODD DRIVE AND EAST HIGHWAY 80); 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. 9581.

Development Services Director Chuck Harrington gave a brief overview of the item noting subjectt area serves two residential properties in Green Acres miniature golf course. theya re replatting all of proeprty and requesting zone change to lr1 to allow for retail in area. Current plan callss for residential but that does not make ssense. Most recent action CE sor single family home. recently intrest shown from area residents to have retail in the area. Pllan to emolish home northwest golf course will rlemain. future land use plan callsfor Todd Drive to be majhor arteiral and ideal ofr retail uses. Staff rec approval 3 letters of obj and 3 more this morning. Jessica at this time it does not require supermajority most are form outside of radius only. 2 in radius. Love was it orig lr1 and then switched/ chuck yes because of that and because potential arteriaal street is why it is not spot zoning. Chuck if look at across street is also industrial and on south wide. This is more of buffering ot residential further north. The retail district is something that should be located at major intersections. Love this is not a PD that is being requested so what assurance with respect to sound lighting and other factors. Chuck those all covered in zoning ord including seperation. lighting, access all things put in PD district are already iin zoning. Love will they rip up mini golf? Chuck no.

Mayor Morales oph 10:49 a.m.

Ben Sanchez schumann 408 N pecos. lacy currently occupied? Ben currently occupied mini golf remain and current hom and that is where there are two homes will tear down everything. owners are here if have any questions. Lacy what will go there. Ben not at liberty to give information.

Love in the applicaiton packet it says it will be a Family Dollar. Staff is looking at retail outlet.

Yoyo Ketter, 1101 Todd if this change to retail which was pariker acres estate which had restrictions, rresidential only. Thiss changes the whole area. The industrial areaa he is talking about is housing, behind strictly pastureland. 160 acres sectioned off in 1946. It changes the road they are straight line from 250 to hwy. oil field traffic 30 mp0h and see traffic going 50. She has been there 42 years do not want to see a dollar general which

is what she has been told. This is going to happend because it will be stuffed odwn throat. Six people two want it done. numerous in objection. What guarantee that doesn't evalue property bplus new addition in area this is disservice to them. Love how od you feel aobut property was at one time retail. Yoyo never retail. Courtney golf course built prior to others.

Love earlier said previous retail. Chuck when golf course put it it was platted as PD for recreation purp with underlying zoning of LR1. when wanted to do changes they rezoned to CE in 2012 to build single family home on sight. But durring PD it was green acres golf course it was PD with underlying LR1. Dufford was this spot that indoor golf facility? It was never developed.

Erica Dominguez, brought that ws bbusiness service rd don't understnad about having more traffic because already hwy 80. Morales this was golf business. miniature golf is already a business she owns proeprty to east. dont' think will add more traffic she is in support of item.

Erica 400 N Bentwood.

Ron Long ?? 10:58 area aacross Todd is nott industriaal. Are on other sside there are nice houses being built. No one wants traffic increased. You can set out alll day 50-6-70miles. Last thing needd is increased traffic. when golf course built in 50s this wasn't city limits. double check zoning because nothing in place at that timme and does not believe it was zoned retail. Lacy how much traffic does a dollar general. generate. It is nice quiet at night and now will have delivery trafficc and lights at night. When is it enoguht when can you ahve just a neighborhood and not abusienss district.

Harold Davis 1002 Chukar. There is an easement is part of his yard. so when people start changing the yard what will happen to his easement. They really don't know what will bethere. Came there knowing golf coursse and mobile home park. Came ther ebecause didn't want to live in town and no winncorporated. Live right bnext to highway already a gray area as far as noise. What is going to go there. Told earlier they dont' want a business and now who knows?

Jeanette Reyes, 5409 Hillcrest has a statement frrom others in area who are in Iowa. They plan oon building house in the neighborhood. They both don't forsee a problem greena creas was aprking lfot has lighting alrejady don't oppose anything being developed in area.

Yoyo Ketter, Roadway easement was a roadway established for utilities. There are 15 foot on Mr. Reyes and 45 on her. There is a utility easement that runs directly behind within 15 foot it says itt is not for publlic use. 45 oof it was hers and it will not be used for public.

Zoe Reyes owner approached by real estate giving city 35-40 ft row have 2 acres on because want to do further expansion of Todd Rd for the traffic and need to find a way to ease traffic. All started with oil Do want raod to be widened better in neighborhood. Tehy are zoned retail if someone wants to put in gas station won't be oposed think neighbborhood needs it. She had several companies approach her who want that corner section. As of rright now it'ss hers and she lives there. Green Acres is not for sale that is whaat started put in didn't have a clue not zoned to bring it up to date have

to zone it. it was never zoned no intention of closing down green acres. Love to add more entertainment rec to area dn may do in future. HOpe neighborhood would not be aagainst it trying to advance greena cres. Love grew up playing mini golf and green acres and was conceerned that it was going to go away. There is a metal building in the back. First date of George and Laura Bush and they would like to expand on it. They like indoor jujping places wouldn't mind doing somethign like that. Looked at idea of rock wall, zip line. She doesn't know who. LR1 is strictest zoning and can have a residence no plans to demolish her house at this time.

Morales if want to limit what is LR1? John standard for spsot zoning is whetther or not zonign change was arbitrary with respect to surrorounding zoning in comp0 plan. Love in order for her to make improvement son mini golf course has to rezone middle tract to LR1 to update it. Shes alreasop request zone ton east side because makes sense. two parcels to left the home and one up above it why are those two being made a part of it? Chuck going through replaat dont' have it with her. Been may have more information replattting to reshape it. Lacy can get site plan approval. Chuck if make it a PD and no other ccontrols than what would put in PD> Staff monitors information. Love they would supporting because if approved they ahve advantaage of that also becoming retail. so setting that up that residentas stating across st not industrial. If parcel being sold as commercial then someething whichi s more difficult than this piece of property. across street industrial. Duufford leaning toward ddoing a site plan review by Council can go with LR1 but have ot have site plan review before decide what can go in. Lacy if vote down and that is applicant wants to do then have to wait one year. Love can council make motion for PD with site plan review by Council. Courtney have applicant with draw request and start over as a PD then develop a site plan. Dufford want idea of redoing golf course so understand. . Love in his district protective oof their concerns also sensitive to Ms. Reyes so think a great solution would be for her to withdraw their applicant and apply for a PD and work with neighbors..

Zoe Reyes, after spoke with City and agreed to rezone in 3 sections for future expeansion of green acres. What ever do to green acres will bring more people out there. She plans to exxpand and do something but doesn't know what it is. Ben Sanchez going to withdraw application but in favor of pd with underlying LR1 which will allow her ot make updates. for entire hatched area correct: council correct. Love in favor of business coming to area so perform storm.

cph 11:21 a.m.

Hotchkiss asked to explain to neighbors. Chuck applicant has withdrawn and applicant can come back in and applyf or PD and Council reviews all things devleoped on property and will ahve to go back through process and through notificaiton and through P&Z./ Morales staff will help facilitate bye liminate fees to make it work. Chuck any changes to what originally submitted will ahve to come back to Council. Sparks not suree if going down road why need to wtihdraw and go through whole process if Council can't say this is pd. Chuck for legal pruposes to advertise.

Love if Reyes and neighborhood inclinhedd facilitate meeting between Reyes andd neighborhood.

Ben Sanchez applicant wishes to diwthdraw application.

24. Hold a public hearing and consider a resolution on a request by Edwin Jaquez, for a Temporary Land Use Permit, for a festival and concert, on Lot 4, Block 5, Westridge Park Addition, Section 6, City and County of Midland, Texas. (Generally located northeast of the intersection of Tradewinds Boulevard and Champions Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 194

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

Development Services Director Chuck Harrington gave a brieff overview of item 3rd annual Texas Blow out July 22-23 at Cimarex. oper horus 4 pm to 1 a.m. next day fri 11 am to 1 am alco bev sales, 12 restrooms and 12 security guards by Midland PD. no commplaints during last years op and rec aapproval.

Mayor Morales oph 11:26 a.m.

Edwin Jaquez, 5011 San Saba, 3rd annual implementing Texas Country on Friday and TxMex on Saturday. Sahred poster with Friday and Saturday line-up.Music went until 1 am lsat year event went wwell. Laacy did not receive any complaints lasst year and in support of event. Morales in ordinance decibals have to turn down at midnight keep eye on it.

cpgh 11:28

Council Member Love moved to adopt Resolution No. 2016 - 194; 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.

25. Hold a public hearing and consider a resolution on a request by Macedonia Baptist Church for approval of a Temporary Land Use Permit for a gospel festival on Lots 13 through 24; Block 54; all of Block 55; North Loraine Street right-of-way between West Texas Avenue and West Missouri Avenue; and West Wall Street right-of-way between South Main Street and South Colorado Street; all out of Original Town Addition, City and County of Midland, Texas. (Generally located on the south side of the intersection of West Texas Avenue and North Loraine Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 195

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A GOSPEL FESTIVAL ON LOTS 13-24, BLOCK 54, ALL OF BLOCK 55, THE PORTION OF NORTH LORAINE STREET RIGHT-OF-WAY LOCATED BETWEEN WEST TEXAS AVENUE AND WEST MISSOURI AVENUE, AND THE PORTION OF WEST WALL STREET RIGHT-OF-WAY LOCATED BETWEEN SOUTH MAIN STREET AND SOUTH COLORADO STREET, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF

MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF THE INTERSECTION OF WEST TEXAS AVENUE AND NORTH LORAINE STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Chuck gave a brief overview of the item noting for tlup for gospel fest immediately following blues fest. furnishing ad restroom sec 1 to 10 p.m. on Sundayt and required to clean up and remove fencing by5 a.m. Did waive $200 admin fee that asked to waive.

Mayor Morales oph 11:30 aa.m.

Woodrow Bailey, 1303 Devonshire, pastor of macedonia and chairman off 2016 gosspel fest. founders and presenting sponsors of first gospel fest exicted about what taking place. What started ass scheduling confilict turned into partnership thanked Lisa Grissom for her leadership, mentor and lessons in how to promote a festival. 85th anniversary of fest. historically blues/gospel intertwined and american music benefits form glues and gospel. Briging in artists form acrosss the nation. almost sold out.

Lisa Grissom, 201 W . Wall ste 800. share commentary really trhileld to bee part of launching first annual tall city gospel fest. significant partnership for both them and macedonia bapptist church. Woodrow and committe teaching about gospel side and how it rolls and great mentorees been able to shre. financial impact significant. Dual partnership on gospel brucnh inside doubletree and fest on Sunday night. These two events are linked oone doesn't happen without the other.

cph 11:34 a.m.

Council Member Love moved to adopt Resolution No. 2016 - 195; 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 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 801LS) located 306 feet from the south line and 630 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 470 feet north of Green Tree Boulevard extension and 586 feet east of North Midland Drive). This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

OIl & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting notice of objection that affects all four wells owned by Diamondback. Two lojBeen to o&g. one rec made was use sound walls and they have changed app to include sound walls. four variances asked ffor landscaping irrigation in liwu of surface agreement, trees in 20 foot spacing, var on perimeter fence around all four wells instead of each well, later put in brick wood or combination fence. third variance for larger pit instead of 4 pits and last for 124 frac and use of light during htose period. MOrales would frac pit be adjaacent to well locaitons on north side. ron. Mayor 315 by 170 ord allows 200 and 200. road? Ron form Craddick hwy across western T corp prop tank batter located on

oxy prop due east.

Mayor Morales oph 11:40 a.m.

Mark Dingler, 4505 Bentree Trial wwork for Diamond have rep form drilling completions regulatorya dn land group avil to answer questions.

Jim Eggemeyeer, 4400 Verde Glen, been in MIdland 10 years and area hwole life. reason bought in green tree because nice and quiet. theen came four staeks kenw it would be oil well. afriad of proeprty develued, worried about packing boxes leak and get odors and when it comes to fracs can hear a mile long. He is light sleeper this will probably takie 5-6 months. As far as solutions go know do 2.5 mile horizontals. they can back off south and go 2.5 miels. when does it stopp. LEt them drill near council house. Dufford would rather have than than dollar general. Jim why do you ahve to bring into city. They shoould buy his house.

Lacy zero control on fracing operations and munic dont' have control. Tehy were fracing on Holiday Hill and can hear a long time away if cna't sleep at night they might be talking.

Mayor invited MIek forward, used 16 ft walls and can go higher than that. little. Ddon't have contract out on thsoe yet. 16 ft walls on well drilled just north of Mockingbird and also to south of these wells north of MOckingbird vertical not horizontal. Mayor any noise complaints? Ron one complaint on Sunday night but wind direction that day. Mayor how many sides? Mike 3 was the plan oon well drille dnorth of mockingbird and east of neibghbborhood access was on southside. think open side would be to easst. confirmed to east. Lacy what size? 1500 horse. Mike this 12,500 feet is length little over 2 miles. Dont have right to move north. Mayor time period? Mike 25-30 days for all four wells. Hotchkiss read minutes from o8g understand very helpful and open to suggestions they made and thanked for that. Morales on walls if want to go higher can look into. They agreed to check into 24 ft.

cph 1148 a.m.

27. 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 801WA) located 306 feet from the south line and 720 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 470 feet north of Green Tree Boulevard extension and 675 feet east of North Midland Drive). This is a public hearing only. No action will be taken. (DEVELOPMENT SERVICES)

OIl & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting same notice and letter with it. e verrything else same.

Mayor MOrale soph 11:49 a.m. cph

28. 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 801MS) located 306 feet from the south line and 690 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 470 feet north of Green Tree Boulevard extension and 645 feet east of North Midland Drive). This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

OIl & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting same info.

Mayor Morales oph 11:49 a.m.

Mark Dingler, used term frac pit is not right on location that is reserve pit. The round circle the reserve pit is rectange on top. frac pit is over by lattice.

cph 11:50 a.m.

29. 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 801WB) located 306 feet from the south line and 660 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 470 feet north of Green Tree Boulevard extension and 615 feet east of North Midland Drive). This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

OIl & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting same information as previously stated.

Mayor Morales oph 11:51 a.m. cph

Hotchkiss thaked Ron and his committee they ahve had to work hard they do a good job work hard give wonderful suggestions.

Jim Eggemeyer the walls that go around that sound is shooting pretty much sstraight up sound won't help.

MISCELLANEOUS

EXECUTIVE SESSION

recess to executive session 11:52 a.m.

30. 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 ____, 2016.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary