

**MIDLAND CITY COUNCIL
MINUTES
July 11, 2017**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on July 11, 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., July 11, 2017.

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

Council Members absent: None.

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

The Agenda Items were heard in the following order:

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

OPENING ITEMS

cto 10:05 m yor thanked all for 4th of july 57,00 in attendance.

1. Invocation - Rev. 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:

Mayor presented to Craig.

Catherine Clifton introduced the interns working in the City this summer.

- a. Presentation of a Retirement Commendation for Craig Matthews

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 4 - 16 excluding ; 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. Regular meeting of June 27, 2017
5. Approved a resolution ratifying the repair of Unit 7917 a Caterpillar 826H Trash Compactor for the Garage Division. (PURCHASING)

RESOLUTION NO. 2017 - 181

RESOLUTION RATIFYING AND APPROVING THE PAYMENT OF \$67,640.08 TO WARREN POWER & MACHINERY, INC., OF ODESSA, TEXAS, FOR THE REPLACEMENT OF THE ENGINE FOR THE UNIT 7917 CATERPILLAR 826H TRASH COMPACTOR FOR THE GARAGE DIVISION

6. Approved a resolution awarding an agreement for the 2017 Permitting Assistance Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 182

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., FOR PERMITTING ASSISTANCE SERVICES ASSOCIATED WITH THE WATER POLLUTION CONTROL PLANT

REUSE CONSTRUCTION PROJECT IN AN AMOUNT NOT TO EXCEED \$117,400.00

7. Approved a resolution awarding an agreement for Construction Administration for the Spraberry and Plant Farms Improvement Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 183

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., FOR CONSTRUCTION ADMINISTRATION SERVICES ASSOCIATED WITH THE SPRABERRY FARM AND PLANT FARM PROJECT IN AN AMOUNT NOT TO EXCEED \$72,625.00

8. Approved a resolution authorizing the execution of Airport Fueling Service Agreement between W-T Hangar, LLC and the City of Midland, Texas in Lot 4B, Block 11, Midland International Air & Space Port, Industrial Park Addition, Section 6, Midland County, Texas. (AIRPORTS)

RESOLUTION NO. 2017 - 184

RESOLUTION AUTHORIZING THE EXECUTION OF AN AIRPORT FUELING AGREEMENT WITH W-T HANGAR, LLC, IN ORDER TO STORE AND DISPENSE ALL FORMS OF AVIATION PROPELLANTS AND FUELS FROM FIXED AND MOBILE DISPENSERS ONLY TO W-T HANGAR, LLC, AIRCRAFT AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT, MIDLAND, MIDLAND COUNTY, TEXAS

9. Approved a resolution approving the specifications and authorizing advertisement for bids for the project described as MAF Security Checkpoint Expansion at Midland International Air & Space Port (7145). (AIRPORTS)

RESOLUTION NO. 2017 - 185

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE MAF SECURITY CHECKPOINT EXPANSION PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT

10. Approved a resolution approving the specifications and authorizing advertisement for bids for the projects described as Construct Runway Incursion Mitigation (RIM) Runway 10 End Project (700213) and Construct Taxiway and Rehabilitate Ramp Area Project (700206). (AIRPORTS)

RESOLUTION NO. 2017 - 186

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE CONSTRUCT RUNWAY INCURSION MITIGATION RUNWAY 10 END PROJECT AND THE CONSTRUCT TAXIWAY AND REHABILITATE RAMP AREA PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT

11. Approved a resolution authorizing the execution of Amendment #5 to Parkhill, Smith & Cooper's Professional Services Agreement, and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2017 - 187

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER FIVE

TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., FOR PROFESSIONAL ENGINEERING SERVICES AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID AMENDMENT TO INCLUDE THE FOLLOWING PROJECTS: PROFESSIONAL SERVICES FOR THE PARKING LOT PAVEMENT REHABILITATION AND PARKING EQUIPMENT REPLACEMENT PROJECT AND THE DEVELOPMENT PARK PROGRAMMATIC ENVIRONMENTAL PROJECT; AND APPROPRIATING NECESSARY FUNDS

12. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Fasken Oil and Ranch, Ltd., said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing a water transportation pipeline, not to exceed ten (10) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located across Princeton Ave, Section 30, Block 39, T-1-S, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 188

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND FASKEN OIL AND RANCH, LTD., REGARDING CITY-OWNED PROPERTY DESCRIBED AS PRINCETON AVENUE, SECTION 30, BLOCK 39, TOWNSHIP-1- SOUTH, MIDLAND COUNTY, TEXAS

13. Approved a motion on request by Schumann Engineering Co., Inc. to defer wastewater and water improvements and paving improvements for Freeland Addition, Section 11, and to waive the corresponding financial security guarantee valued at \$104,199.00, an amount equal to the estimated cost of construction. The subject property is generally located approximately 340 feet south of East Golf Course Road on the west side of Elkins Road, inside the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)
14. Approved a motion on request by Schumann Engineering Co., Inc. to defer wastewater and water improvements and paving improvements for Cinco T Addition, and to waive the corresponding financial security guarantee valued at \$116,645.00, an amount equal to the estimated cost of construction. The subject property is generally located approximately 3700 feet south and east from the Farm to Market 1788 and West County Road 72 intersection, outside the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)
15. Approved a resolution to accept the modification to the FY2017 grant award in the amount of \$66,100 from the Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program and appropriate funds. (POLICE)

RESOLUTION NO. 2017 - 189

resolution accepting a modification to the fiscal year 2017 grant award from the southwest border high intensity drug trafficking areas program in the amount of \$66,100.00; these funds will be directed to the fiscal year 2017 high intensity drug trafficking areas grant project 700224-005; and appropriating funds

16. Approved a motion authorizing the execution of a Transit Working Capital Account Agreement between the City of Midland, the City of Odessa and McDonald Transit

Associates, Inc.; and authorizing the appropriation of \$200,000 from the General Fund non-departmental 2017 operating budget. (DEVELOPMENT SERVICES)

SECOND READINGS

17. Consider an ordinance on second reading 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-acre 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.) (DEVELOPMENT SERVICES) (First reading held June 27, 2017)

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 Karla Mata read the caption of Ordinance No. 9675.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9675 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

18. Consider an ordinance on second reading 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 North Big Spring Street, approximately 300-feet north of Scharbauer Drive.) (DEVELOPMENT SERVICES) (First reading held on June 17, 2017)

ORDINANCE NO. 9676

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 Karla Mata read the caption of Ordinance No. 9676.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9676 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.

PUBLIC HEARINGS

19. Hold a public hearing and consider an ordinance on first reading on a request by Matthew Mildfeldt/Mr. Vapes for a Specific Use Permit with Term for the sale all alcoholic beverages, for on-premises consumption, in a lounge, on a 3,210-square foot portion of Lot 33C, Block 3, Briarwood Addition, Section 16, City and County of Midland, Texas (Generally located on Briarwood Avenue, approximately 185-feet west of North Midland Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9677

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,210-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 185 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 LOUNGE FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9677.

Development Services Director Chuck Harrington gave a brief overview of the item noting for SUP for hookah lounge Mr. Vapes. No churches or schools within 300 feet closest residential 600 ft. They asked s-th12-12 f-s 12-2 a.m. p7z after reviewing rec hours reduced to 1 a.m. on fri and sat also rec requirement be placed for security personnel not spelled out spec but staff suggests certified peace officer. Lacy why everyone adding security cumbersome to owners. Chuck taking lead form council since on lounge not restauratns. Chuck include conditions a-h one loj. staaff rec approval.

Dufford objection from neighborhood behind. Love looking at application did applicant fill out himself or City staff help a lot of scratch outs and changes. Chuck they bring in we assist if issues don't know particulars of this item. try to help them when they come in so where it should be. Morales first of nature. Chuck talk but no action. Lacy 835

square feet for alcohol service median age 32 years old. Robnett is applicant property owner. chuck no it is a lease.

Mayor Morales opened the public hearing at 10:21 a.m.

Matthew melfield 4416 Briarwood Avenue, they do have retail currently coffee shop al hookah no open flame no tabacco. trying to open place where more people can go so a safe place where they can go. Already secured Miidland PD going to bring in security before tthey asked so safe environment. Lacy are you okay with one hour removal? applicant yes. Morales mixed beverage. amattthew yes.

There being no one else wishing to speak, the public hearing was closed at 10:22 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9677 in accordance with the Charter of the City of Midland with amendment removing security requirement and adding a six month review period by staff; 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.

20. Hold a public hearing and consider an ordinance on first reading on a request by MIDAMA dba Texas Sun Winery for a Specific Use Permit with Term, for the sale of beer and wine, for on-premises consumption, in a lounge on a 4,344 square-foot portion of Lot 1A, Block 2, Grandridge Park Addition, Section 7, City and County of Midland, Texas (Generally located west of the intersection of West Loop 250 North and Holiday Hill Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9678

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4,344-SQUARE FOOT PORTION OF LOT 1A, BLOCK 2, GRANDRIDGE PARK ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED WEST OF THE INTERSECTION OF WEST LOOP 250 NORTH AND HOLIDAY HILL 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 BEER AND WINE IN A LOUNGE FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9678.

Development Services Director Chuck Harrington gave a brief overview of the item noting SUP for service of alcohol located in la bodega shoppign cente.r they ahve winery import wine juice and involve winee making, wine tasting and sale of win ffor on and off premise. small plates for sale. no church or public schools in 300 feet. pprop hours alco m-sun 11 to 12 . reviewed by all depts rec approval no loj.

Mayor Morales opened the public hearing at 10:26 a.m.

Robert Rendal 6 desta drive, behalf of applicant kevin and teresa miller. brignin in grap juice maaking wine for sale and consumption, wine making classes, meeting room. not selling beer at this point but if regulations change want to have opportunity to add craft beer. anticipate close at 10 p.m. want extended hours for event or party. Laacy open on Sunday. Rendall don't plant but want option. Dufford where sourcee juice from? Rendall several options of franchise. Dufford barrels?

Kevin Miller, not using barrels to fermet stainless steel and resin tanks instead. Dufford how logn to go from juice to wine? Kevin fruit white and red fruits take month white 6-8 weeks red take 3-4 monhhts aged inb ottled.label tx sun and wine. Morales because making wine can't sell? Kevint hat is what he understands. Dufford retail, Kevin retail their winnes and obtain wines form affiliate in CA but label under their label adn some that they purchase and resell under their label.

There being no one else wishing to speak, the public hearing was closed at 10:29 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9678 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.

21. Hold a public hearing and consider an ordinance on first reading upon request by James Isbell for a zone change from a PD, Planned District for a Housing Development, to an Amended PD, Planned District for a Housing Development for the Correction Plat of Pavilion Park, Section 8, City and County of Midland, Texas (Generally located north of Soloman Lane, approximately 840-feet east of North Lamesa Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9679

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING THE CORRECTION PLAT OF PAVILION PARK, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED NORTH OF SOLOMON LANE, APPROXIMATELY 840 FEET EAST OF NORTH LAMESA 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 Karla Mata read the caption of Ordinance No. 9679.

Development Services Director Chuck Harrington gave a brief overview of the item noting ??10:31 adding second area abutting removing lots 18-24 for expansion of drill site. property 20 foot alleys and have drilling are for 2 oil wells. amendment approved by p7z and reviewed by all city staff. one comment 15 foot front yardd no front entry garage. staff rec approval subject to condittions shown A-h. Sparks why requirring 8

foot masonry fence on west loop side? Chuck continuation of condition had problem development concerned about impact of their business that was a requirement. Sparks why masonry. Dufford why not it looks better. Sparks he hates. Hotchkiss that is something the neighborhood wanted. Sparks what is definition of masonry fence. Chuck it can be blocks, Dufford split face bricks rocks. Lacy this was ___ council made to alleviate objections. Sparks strictly masonry wood and not require just an 8 foot masonry fence. Love fence is already there. Chuck yes. Chuck most has already been developed this is an extension. Robnett history on two drilling locations. Robnett remembers discussion about easement. Ron there are future sites all ripe for permian. Robnett everybody worked together. Ron yes, they have a surface agreement. 3-well pad. Dufford how many units -and has transportation reviewed? Chuck yes 143 residential units. Ron variances already approved as far as distance to house.

Mayor Morales opened the public hearing at 10:36 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. 9679 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.

22. Hold a public hearing and consider an ordinance on first reading upon request by Abilene CE, LLC for a vacation of the 0.048-acre portion of the alley right-of-way, located on a 0.79-acre tract of land, east part of Tract 11, the Gardens Addition, City and County of Midland, Texas (Generally located on the northside of West Michigan Ave, approximately 242-feet west of Andrews Highway.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9680

AN ORDINANCE VACATING AND ABANDONING A 0.048-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN TRACT 11, THE GARDENS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST MICHIGAN AVENUE, APPROXIMATELY 242 FEET WEST OF ANDREWS HIGHWAY); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$5,275.60; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9680.

Development Services Director Chuck Harrington gave a brief overview of the item noting portion of alley easement located adjacent to tract of land they own. established 1964 as public easement for public alley use applicant requesting it be abandoned to make improvements to their property. Dr office. internal review approval went through all depts including solid waste issues. The only issue still remain is value of 2.50 per square foot or \$5275.60. Applicant requested applicant granted for free and should not have to pay to get their property back. Lacy the applicant is the one who gave the easement. Chuck not the current owner. Sparks sure other concessions made when he won the row in 1964 and don't know what those concessions were. Traditionally we make pay for row unless a non profit don't want to start. Love historical perspective why did they dedicate this it seems like an alley to nowhere.

Chuck think originally there were some connections at the time. so other portion at some ppoint was vacated its used as parking lot. Love why was this done inlight of Mr. Lacy's statement what happened?

Mayor Morales opened the public hearing at 10:41 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9680 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.

23. Hold a public hearing and consider an ordinance on first reading on a request by Mesa Verde Animal Clinic for a Specific Use Permit without Term for a Veterinary Clinic on a 3,300 square foot portion of Lot 1, Block 1, Mesa Verde Addition, City and County of Midland, Texas (Generally located southwest of the intersection of North Midland Drive and Neely Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9681

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,300-SQUARE FOOT PORTION OF LOT 1, BLOCK 1, MESA VERDE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH MIDLAND DRIVE AND NEELY AVENUE), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A VETERINARIAN CLINIC; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9681.

Development ServicesDirector Chuck Harrington gave a brief overview of the item noting for mesa verde animal clinic. currently ahve office 1950 sq feet new sup increase sq footage to 3300 sq ft with no change in operations. carry forward some things that were already in there want to ensure max cages at 21 and only for care of animals for treatment or recover surgery not to be used as kennel ?? staff rec approval. Morales any outdoor walking, chuck no. love exhibits ahrd to understand how to chaging no reference for old map.

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

Megan Morris 609 W Estes, she is head technician expanding to west and use for kennel boarding for cats and dogs waiting area for . see 60-70 clients a day with surgeries. they walk ina lley between residential and back. 2 rooms for exams she needs two more exam rooms looking to hire another vet. plans on ahving isolattion for parvo since big in Midland. She's beent here 30 years and not changing much. spolke

with neighbors they are okay. they need more space.

There being no one else wishing to speak, the public hearing was closed at 10:47 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9681 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.

24. Hold a public hearing and consider an ordinance on first reading on a request by John Morris for a Special Exception from the City of Midland Zoning Ordinance, Section 11-1-7. - Area, yard, structure, parking, and miscellaneous lot and use regulations, concerning side yard setbacks, on Lot 1, Block 2, Berkshire Place, Blocks 1-4, City and County of Midland, Texas (Generally located southeast of the intersection of North N Street and Boyd Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9682

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1, BLOCK 2, BERKSHIRE PLACE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH N STREET AND BOYD AVENUE), BY PERMITTING A REDUCED SIDE YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9682.

Development Services Director Chuck Harrington gave a brief overview of the item noting reduce side yard set back to 6 ft 7 in from required 10 foot. he provided site plan it is an extension of existing house which is a legal nonconforming extension of particular use. it requires Council to take action if desire to do so. Neighbor has similar setbacks in character. Request made to all city depts in order waive eng concrete driveway approach across driveway with ada ramps. and connect sidewalk. required to remove existing driveway install curb and gutter. As this request is deviation from zoning no hardship exhibit staff reco denial. Lacy asked hotchkiss if okay. Hotchkiss yes.

Mayor Morales opened the public hearing at 10:50 A.M.

JOHN MORRIS built to close to street in 1955 several just like it trying to renovate the house and make similar to other houses noting out of ordinance.

There being no one else wishing to speak, the public hearing was closed at 10:51 a.m.

Robnett proper way and this is right way a lot of examples of people who don't.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9682 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.

25. Hold a public hearing and consider an ordinance on first reading on a request by Rebecca Sparks for approval of a Special Exception to the City of Midland Zoning Ordinance Section 11-1-7, -Area, yard, structure, parking, and miscellaneous lot and use regulations concerning fence height restrictions within the front yard setback on Lot 4, Block 4, Dunagan Addition, City and County of Midland, Texas (Generally located northeast of the intersection of Princeton Avenue and Lanham Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9683

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 4, BLOCK 4, DUNAGAN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF PRINCETON AVENUE AND LANHAM STREET), BY PERMITTING AN INCREASED HEIGHT OF A FENCE WITHIN THE FRONT YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9683.

Development Services Directr Chuck Harrington gave a brief overview of the item noting proposing installaiton of wrought iron fence in front yard. ord reg restrict any fence to 3 foot height. she is proposing open does not have same site restrictions asking for special excpeiton to allow 4 foot in front prroperty. as rep deviations taff cannot recommend approval. Dufford reason is because dont' amike wrought iron 3 feet? it would have to be custom made which is great expense.

Mayor Morales opened the public hearing at 10:54 a.m.

Rebecca Sparks 2406 Princeton, would like to put fence out grandchildren visit. back yard have dogs and not welcoming for grandkids to play. Princeton kind of racetrack so want fence for their safety also great neighborhood want to sit out front have dogs llike to have out front with them and couple of dogs could step over 3 foot fence. Shared piicture of fence

There being no one else wishing to speak, the public hearing was closed at 10:56 A.M.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9683 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

dUFFORD only ex 3

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

MISCELLANEOUS

26. Consider an ordinance on first reading establishing intersection stops at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES)

ORDINANCE NO. 9684

AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE DESIGNATED LOCATIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9684.

Mike Pacelli Traffic Engineer stop sign ord update liek others two different kinds new stops . noaln ryan rec all lane stop first group new stops second group converting from yeild to stop signs as ongoing effort to make changes. mainly site distance concerns in residential neighborhoods.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9684 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.

27. Consider an ordinance on first reading establishing yield right-of-way signs at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES)

ORDINANCE NO. 9685

AN ORDINANCE ESTABLISHING YIELD RIGHT OF WAY SIGNS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; REQUIRING AND AUTHORIZING THE POSTING OF APPROPRIATE SIGNS AT SAID INTERSECTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9685.

Traffic Ennginner Miek Pacelli yeild sign ord delete locations added to rprevious item.

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

9685 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.

28. Approved a motion for approval of a proposed Preliminary Plat of 1788 Industrial Park being 83.91-acres of land out of Section 32, Block 40, T-2-S, T&P RR Co. Survey, Midland County Texas (Generally located on the east side of South County Road 1270, approximately 575 feet north of West County Road 160. ETJ, Extraterritorial Jurisdiction.) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington request made in etj anything over 45 acres msut come to council for prel plat. reviewed by all depts. t ransportation req for roadways aand sewer main concerns. currently dferral request amdee and will ahve to move thru process. other major item is that as being plated in aoz4 at time of structure will ahve to submit application to City to ensure comply. Lacy how close to City limits? Chuckbetter than half mile.

Love any ttime dealing with overlay please include map of overlay with respect ot site for beter perspective.

Council Member Lacy moved to approve a proposed Preliminary Plat of 1788 Industrial Park being 83.91-acres of land out of Section 32, Block 40, T-2-S, T&P RR Co. Survey, Midland County Texas (Generally located on the east side of South County Road 1270, approximately 575 feet north of West County Road 160. ETJ, Extraterritorial Jurisdiction.); 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.

PUBLIC COMMENT

29. 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.)

no comments.

Love thanked interns for being ehre and staying for whole meeting.

EXECUTIVE SESSION

recess to go to exec at 11:05 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 551.074, Personnel Matters.

a.1. Deliberate the employment, evaluation, and duties of the Municipal Court Presiding Judge.

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