

**MIDLAND CITY COUNCIL
MINUTES
July 26, 2016**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on July 26, 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., July 26, 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 10:05

1. Invocation - Monsignor Larry Droll, Saint Ann's Catholic Church
2. Pledge of Allegiance

PRESENTATIONS

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

PUBLIC COMMENT

Lisa Grissom, Tall City Blues Fest, had 10 MPD officers worked security went above and beyond call of duty, catastrophic storm come through on Friday night, downtown declared catastrophe area had officers holding tables above heads of people to keep hail from hitting. Presentation of certificates to officers this morning Sgt Brian Stacy, ran point and coordinated officers and get in place Austin Poe overnight security 2 nights in row navigate conflicts worked day shifts during fest. Felicia Melendez, security in bank, Officer Arron Brenz, Officer Grimaldo, collective thanked all officers who helped. Mayor thanked PD for protecting citizens during storm.

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

Council Member Lacy moved to approve Consent Agenda items 5 - 18 excluding 6, 8, 9; seconded by Council Member Robnett.

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

5. Approved a motion approving the following minutes:
 - a. Regular meeting of July 12, 2016.
7. Approved a resolution authorizing the issuance of a request for proposals for Emergency Medical Dispatch Software for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2016 - 221

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR EMERGENCY MEDICAL DISPATCH SOFTWARE FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT; SAID SOFTWARE WILL PROVIDE AUTOMATED TOOLS TO EMERGENCY SERVICE DISPATCHERS TO USE IN THE COURSE OF DISPATCHING EMERGENCY SERVICES TO THE PUBLIC

10. Approved a resolution approving specifications and authorizing advertisement for bids for the De Zavala Lift Station Rehabilitation Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2016 - 224

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE DE ZAVALA LIFT STATION REHABILITATION PROJECT FOR THE UTILITIES DEPARTMENT

11. Approved a resolution approving a professional services agreement with HDR Engineering, Inc. for manhole rehabilitation professional design and bid services for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2016 - 225

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., FOR DESIGN AND BID SERVICES FOR CERTAIN MANHOLE REHABILITATION WORK IN MIDLAND DRAW

12. Approved a resolution approving the sole source purchase of Sample Master Modules and Professional Services from Accelerated Technology Laboratories, Inc. for \$94,187.00 for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2016 - 226

RESOLUTION APPROVING THE SOLE SOURCE PURCHASE OF SAMPLE MASTER MODULES AND ASSOCIATED PROFESSIONAL SERVICES FOR THE UTILITIES DEPARTMENT'S LABORATORY INFORMATION MANAGEMENT SYSTEM FROM ACCELERATED TECHNOLOGY LABORATORIES, INC., AT A TOTAL COST OF \$94,187.00

13. Approved a resolution authorizing the adoption of the City of Midland's 2016-2017 Second Year Action Plan to the Consolidated Plan for Community Development (October 2015 – September 2020) and authorizing the execution of the Community Development Block Grant funds for Fiscal Years 2016-2017. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 227

RESOLUTION AUTHORIZING THE ADOPTION OF THE CITY OF MIDLAND'S 2016-2017 ACTION PLAN TO THE CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT AND HOUSING FUNDS FOR THE CITY'S FISCAL YEARS 2016-2020; THE CONSOLIDATED PLAN HAVING BEEN APPROVED BY RESOLUTION NUMBER 2015-223; AND AUTHORIZING THE EXECUTION OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

14. Approved a resolution accepting a 0.08 acre Drainage Easement, located in Lot 1, Block 5, Devon Addition Section 5, for the purpose of constructing and maintaining public drainage facilities and any ancillary public use; authorizing the execution of said Drainage Easement, and ordering recordation by the City Secretary (City of Midland, Midland County). (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 228

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.08-ACRE DRAINAGE EASEMENT LOCATED IN LOT 1, BLOCK 5, DEVON ADDITION, SECTION 5, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

15. Approved a resolution accepting a 0.29 acre Drainage, Sewer, and Waterline Easement, located in Lot 1, Block 5, Devon Addition Section 5, for the purpose of constructing and maintaining public drainage, sewer, and waterline facilities; authorizing the execution of said Easement, and ordering recordation by the City Secretary (City of Midland, Midland County). (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 229

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.29-ACRE DRAINAGE, SEWER AND WATER LINE EASEMENT LOCATED IN LOT 1, BLOCK 5, DEVON ADDITION, SECTION 5, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

16. Approved a resolution authorizing the renewal of an Operating Certificate for A-1 Taxi Cab Service. (POLICE)

RESOLUTION NO. 2016 - 230

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR GUADALUPE MOORE DBA A-1 TAXI CAB SERVICE TO OPERATE A TAXICAB BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

17. Approved a resolution approving a Discharge License for Borets U.S., Inc. (UTILITIES)

RESOLUTION NO. 2016 - 231

RESOLUTION AUTHORIZING THE EXECUTION OF A SANITARY SEWER DISCHARGE LICENSE AGREEMENT WITH BORETS U.S., INC., FOR THE PURPOSE OF DISCHARGING EFFLUENT AT 2222 COMMERCE DRIVE, MIDLAND, TEXAS

18. Approved a resolution approving a Lease Agreement with WWC Texas RSA LLC DBA Verizon Wireless. (UTILITIES)

RESOLUTION NO. 2016 - 232

RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH WWC TEXAS RSA LLC DBA VERIZON WIRELESS FOR CELLULAR PHONE ANTENNA SPACE AT THE SHELL STREET ELEVATED WATER TOWER

6. Approved a resolution approving the issuance of a request for proposals for the development of two (2) City-owned downtown properties described as 301 North Colorado Street, 0.451 acres, Blk: 027, Lots: 07A, Original Town Addition, Sec 3 and 310 West Illinois Avenue, 0.448 Acres, Blk: 027, LOTS: 13A, Original Town Addition, Sec 3, City and County of Midland, Texas for the Administration Department. (PURCHASING)

RESOLUTION NO. 2016 - 220

RESOLUTION AUTHORIZING ADVERTISEMENT OF A REQUEST FOR PROPOSALS

FOR DEVELOPMENT OF CITY-OWNED PROPERTIES DESCRIBED AS LOT 7A, BLOCK 27, ORIGINAL TOWN, SECTION 3 (301 NORTH COLORADO STREET), AND LOT 13A, BLOCK 27, ORIGINAL TOWN, SECTION 3 (310 WEST ILLINOIS AVENUE), BOTH BEING LOCATED IN THE DOWNTOWN AREA OF THE CITY OF MIDLAND, TEXAS

Sparks pulled to discuss whether two pieces ought to be bid separately or together and other is deadline of August 26th and thought maybe should be extended through October 28th. Fred Reyes September 60 days October 90 days. Sparks bringing up of whether would have chance to get more bids in. consensus Friday September 30 60 days.

Dufford in bid process can applicant say we take both but only want one can split up themselves. Fred can adjust wording to separate both properties. Dufford make sure they bid 3/4 of it. Sparks thought better chance if allow properties to get separated. Fred separate by description. John amend rfp to extend the submission deadline and allow proper to bid on one or both of the properties.

Council Member Sparks moved to adopt Resolution No. 2016 - 220 with amendment to rfp to extend the submission deadline and allow proper to bid on one or both of the properties; seconded by Council Member Love.

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

8. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Washington Aquatic Center Renovation Project for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 222

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE WASHINGTON AQUATIC CENTER RENOVATION PROJECT

Sparks pulled felt before go out for bids need to know where it is being funded from. Courtney want firm price and have two options unappropriated fund balance or CO to get firm price. Robnett what kind of timeline on bids? Morales can't fund today with 4b. Dufford can do if 4b passes and have broader use of 4b funds. Assume if money came out of unappropriated fund balance and designate if pass 4b> John have to look at. Love actually did have horse before cart but council elected to not talk about cos last year. Laurie Williams on schedule to try and have new pool open next year. Plan to come back first meeting in September with bids. List of things that will have to be done before next year. Dufford would like to see dollar amount and then figure out how to fund. Sparks what saw as a statement can't even put 4b on election in November don't know when it will be, earliest will be next May. Sparks said this November. Morales 4b is a tool that cannot today but could as early as May election. Morales what to give priority to school district so community focus on school. Robnett how long does construction take. Laurie if bring in September can have done by May. Love will have to spend 500,000 to 750,000 just to open. Lacy Doug Russel was huge success lines out door every day. Dufford not in favor of shutting down or spending money for

bandaid. Morales already have a model is there any savings? Completely new layout.

Council Member Love moved to adopt Resolution No. 2016 - 222; seconded by Council Member Robnett.

Sparks how pay for period.

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

9. Approved a resolution approving the issuance of a request for proposals for a Body Worn Camera System for the Police Department. (PURCHASING)

RESOLUTION NO. 2016 - 223

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR A BODY-WORN CAMERA SYSTEM FOR THE MIDLAND POLICE DEPARTMENT; SAID SYSTEM WILL INCLUDE BODY-WORN CAMERAS, MANAGEMENT SOFTWARE, STORAGE SOLUTIONS FOR EVIDENTIARY DIGITAL MEDIA/FILES, SUPPORTING EQUIPMENT, AND A FIVE (5) YEAR WARRANTY, MAINTENANCE AND UPGRADE PLAN

Lacy asked for brief overview. Chief PRice Robinson about 18 months ago formed committee of patrol of officers wearing cameras in interviews, right thing to do for police, citizens, and all people. good technology. Committee working 18 months working at different ameras to get feel of how they work. Long rprocess of hardware, software, policy written, trianing will bein place like to go out with this rfp to 7-8 vendors rfp for turnkey system. Dufford price is between \$400 and \$1,100. PRice \$1,000 per unit per year. Price 133 cameras. seen in research it could be low price of \$300,000 ffor five years for local storage vs 650,000 for 5 years for cloud storage. RP is chance for vendor to say what type of storage medium do they offer. Have officers wear and evaluate cameras. Love officer or citizen committee?

Council Member Lacy moved to adopt Resolution No. 2016 - 223; seconded by Council Member Robnett.

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

Sharletts last meeting her last Council Meeting 33 years in local goveernment. Council thanked for service.

PUBLIC HEARINGS

19. Hold a public hearing and consider an ordinance on a City-initiated request to change the name of the portion of Green Tree Boulevard that is adjacent to Lot 7, Block 2, Lone Star Business Park, Section 2; Lots 20, 21, and 36, Block 2, and Lot 1, Block 5, Lone Star Trails; and Lots 16, 17, 26, 27, 32, and 33, Block 5, Lone Star Trails Section 2, City and County of Midland, Texas. (Generally located on the east side of North Big Spring Street, approximately 790-feet north of Maverick Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9582

AN ORDINANCE CHANGING THE NAME OF THE PORTION OF GREEN TREE BOULEVARD THAT IS ADJACENT TO LOT 7, BLOCK 2, LONE STAR BUSINESS PARK, SECTION 2, LOTS 20, 21 AND 36, BLOCK 2, AND LOT 1, BLOCK 5, LONE STAR TRAILS, AND LOTS 16, 17, 26, 27, 32 AND 33, BLOCK 5, LONE STAR TRAILS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 790 FEET NORTH OF MAVERICK LANE), TO "OCCIDENTAL PARKWAY"; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND DIRECTING THE CITY SECRETARY TO SEND THE MIDLAND EMERGENCY COMMUNICATIONS DISTRICT A CERTIFIED COPY OF THIS ORDINANCE

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9582.

Development Services Director Chuck Harrington gave a brief overview of the item noting Green Tree BLVD to east change to Occidental Parkway and all future sections will recognize name change. spent public notice no loj. rec approval green tree blvd to occidental parkway.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9582 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

20. Hold a public hearing and consider an ordinance on a request by Strategic Restaurant Concepts, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on premises consumption, in a restaurant on Lot 7, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas. (Generally located on the south side of West Loop 250 North, approximately 220-feet west of North Midkiff Road.) (Development Services)

ORDINANCE NO. 9583

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 7, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 220 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. 9583.

Development Services Director Chuck Harrington gave a brief overview of the item noting requesting alcoholic beverage in rest no schools or church 300 ft total 8658 950 sq ft patio. horus m-f 4-12 sat 11-12 sun 11-11. One additional part is signage allowed aedvertise alcoholic beverages adn ord requires permission. no loj staff rec approval both aspects of request. Lacy why torn up parking lot so much? Chuck moving ring road plus construction for restaurant.

Mayor Morales opened the public hearing at 10:38 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. 9583 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

21. Hold a public hearing and consider an ordinance on a request by the City of Midland for the vacation of a 0.55-acre portion of North Loraine Street right-of-way, located adjacent to Lots 13 through 24, Block 54, and all of Block 55, Original Town Addition, City and County of Midland, Texas. (Generally located between West Texas Avenue and West Wall Street, approximately 300-feet west of North Main Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9584

AN ORDINANCE VACATING AND ABANDONING A 0.55-ACRE PORTION OF NORTH LORAIN STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 13-24, BLOCK 54, AND BLOCK 55, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED BETWEEN WEST TEXAS AVENUE AND WEST WALL STREET, APPROXIMATELY 300 FEET WEST OF NORTH MAIN STREET); THE CITY OF MIDLAND BEING THE OWNER OF ALL ABUTTING PROPERTY; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9584.

Development Services Director Chuck Harrington gave a brief overview of the item noting request for vacation of Loraine closed but not completely vacating. formally vacating property transsformer box relocated and maintain blanket utiliyt forr waterline no loj rec approval.

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

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9584 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss.

22. Hold a public hearing and consider an ordinance on a request by SB Hospitality Corporation for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 7, Block 44, Fairmont Park Addition, Section 27, City and County of Midland, Texas. (Generally located southwest of the intersection of West Loop 250 North and Henry Koontz Boulevard) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9585

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 7, BLOCK 44, FAIRMONT PARK ADDITION, SECTION 27, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST LOOP 250 NORTH AND HENRY KOONTZ BOULEVARD), 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. 9585.

Development Services Director Chuck Harrington gave a brief overview of the item noting Chuck E Cheese request. Had sup in 2000 but did not renew it past 2004 and would like to institute SUP for alcoholic beverage hours sun-thur 11-9 fr 11-10 sat 10-10. no church or scholols in 300 feet nearest residential structuree 400 ft across loop 250. meet min require no loj, some addiitonal info do have a corporate plicy regarding aalcohol only beer or win and 2 per custommer. Love had supwhen chuck 2000-2004. Lacy ordinance said 1995. Chuck expired 2004. Robnett how many serve alcohol. Chuck heard 70% but not sure if accurate. Love did reserach and appealing ot millenial moms to have glass of wwinee together while kids are playing.

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

Cristi Owens 4703 W Loop 250 N. here to anser questions, had permit when first oopenned but never served. Majority of alcohol when built decided not to persue. Looking for now because now gueests are asking. They are for the kdis family environment but also a restaurant constantly trying ot expaand restaurant and appeal tto millenial gneeration. Corporate has strict policy two drink limit require everybody to shoow id. cannot buy self and another persona beer. serviing size is 6 oz. 12 oz entire timee. every person tabc certified ccorporate strict on training, cameras when purchase beer write down name know if first or second. corporate owned store. Lacy had doubts about voting but measures can support.

Morale swhole rest open to alcohol. Bascially very large open environment. Majority of emp on floor rrequires to be oon caarpet 80% of tiem. can onoly purchase from register. pay as go.

Braden Ward?? 9518 Humble, approach Council expressing disinterest in getting alcohol. heard policies came into affect how strigent on dirnk, relaxing but dont' think of alcoholl being served. Checked other restaurants MR. Gatti do not expect to serve alco ever.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9585 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Sparks expected to vote against, still ahve some doubts on whether good idea, its a shame when mommy has to have a beer, Appreciate wwhat their corporate policies are and hope they hold true to tthat. Hope that after put it in it's not successful and decide not to serve. will support.

Lacy that is the most responsible alcohol policy he has ever heard and it changed his mind. Sparks hoping other restaurants wiwll hear.

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

Mayor difference if responsible attitude. Movie theatre received several phone calls and being to purchase alcohol and take into a room without eing able to monitor.

23. Hold a public hearing and consider an ordinance on a request by Manor Park for a Zone Change from 1F-1, One-Family Dwelling District, in part, MF-1, Multiple-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, and MF-2, Multiple-Family Dwelling District, in part, to PD, Planned District for a Housing Development, on Tracts 14, 15, 16, and 17, Wallace Heights Addition, City and County of Midland, Texas. (Generally located on Sinclair Avenue, approximately 290-feet east of North Loop 250 West.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9586

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING TRACTS 14, 15, 16, AND 17, WALLACE HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, IN PART, MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, MF-2, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, AND TH, TOWNHOUSE DWELLING DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE SOUTH SIDE OF SINCLAIR AVENUE, APPROXIMATELY 290 FEET EAST OF NORTH LOOP 250 WEST); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No.9586.

Development Services Director Chuck Harrington gave a brief overview of the item noting Manor Park proposing expansion of existing site and need zone changes to put into a PD which in line with what have across street. Proposed site will support 75 building sites max density 4.8 dwelling units per acre. Very little traffic trips generated landscaping on other side meets com standards, adequate parking, one primary access and secondary emergency point. Staff rec approval subject to conditions attached in report. no loj received and staff rec approval.

Mayor Morales opened the public hearing at 10:54 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. 9586 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

24. Hold a public hearing and consider an ordinance on a request by Midland Piano Partners for a Zone Change from PD, Planned District for a Shopping Center, to LR-2, Local Retail District, on Lot 1A, Block 6, Crestgate Addition, Section 28, City and County of Midland, Texas. (Generally located northwest of the intersection of West Loop 250 North and Crestfield Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9587

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 6, CRESTGATE ADDITION, SECTION 28, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF WEST LOOP 250 NORTH AND CRESTFIELD STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9587.

Chuck applicant requested with draw app

25. Hold a public hearing and consider an ordinance on a request by John Cole Stout for a vacation of the 0.012-acre portion of North B Street right-of-way, located adjacent to Lot 7, Block 23, High School Addition, City and County of Midland, Texas. (Generally located northeast of the intersection of North B Street and West Kansas Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9588

AN ORDINANCE VACATING AND ABANDONING A PORTION OF NORTH B STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOT 7, BLOCK 23, HIGH SCHOOL ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST KANSAS AVENUE AND NORTH B

STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$1,045.44; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9588.

Development Services Director Chuck Harrington gave a brief overview of the item noting homes built across row line and new owners trying to purchase property but due to fact partially constructed in two. only way to clear up is to vacate portion of row and let them incorporate into their property. total value 1,045.44. no utilities. 3 lot forwarded to Council. Staff rec approval of request.

Lacy individual owns property inherited from father 2 feet one inch is public row to let next person buy is vacation 2 ft 1 inch strip which allows for everything. Help guy but City approved building permit. Sparks how long house been there. 1997 renovation and just now somebody is trying to sell it. OON surface nothing will change.

Mayor Morales opened the public hearing at 10:58 a.m.

Chrisie Mee live across B street don't have any problem but don't know if it affects her across if street is widened does it take away from her side. Lacy there is no chance it will ever be widened. Lacy just a factor can't sell house. Lacy only thing is sidewalk but there is ample room for sidewalks on both side.

Cchucik can't image how it could. Even if widen could probalby be done in existing row strictly residential type street.

There being no one else wishing to speak, the public hearing was closed at 11:00 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9588 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

MISCELLANEOUS

26. Approved a resolution declaring expectation to reimburse expenditures with proceeds of future debt. (FINANCE)

RESOLUTION NO. 2016 - 233

A resolution declaring expectation to reimburse expenditures with proceeds of future debt.

Council Member Dufford moved to adopt Resolution No. 2016 - 233; seconded by Council Member Love.

Pam Finance putting reso to consider option to reimburse for Midland Center planning on August 9 NOI and publication time do not anticipate will need because having 12M from cash balance from hotel for project but from conservative point of view to expend

money prior to issuance of COS.

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

27. Approved a motion appealing the Building Official's denial of a sign permit application by Texas Republic Signs for the Stripes located at 11200 Highway 191, Midland, Texas. (Generally located on the northeast corner of the intersection of FM 1788 and Highway 191.) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting Texas Stripes sign permit. As shown exhibits max allow 360 sq ft in proposal their application reduce to 696.5 sq ft but still in excess of what is allowed. Their statement was safe and informative signage. Looked at other applicants and other Stripes Thomas/Loop 250 meets sign requirements. They referred to pilot and Love location however both located on or near I-20 different set of circumstances than HWY 191. Love Lives on 158 near I-20 and this. Meet height restrictions strictly amount of signage proposing.

Sparks how did it compare with Loves on 158. Chuck Loves 1049 sq ft. Dufford anything on I-20 gave variances. Love isn't area dark at night nothing around except for SEEd on other side. as far as residence concern what is potential of residences coming close to that area. Chuck don't think would see that happening but on 1788 or south of 1788 because water and sewer. and airport zoning has impact on residential.

Council Member Love moved to approve a motion appealing the Building Official's denial of a sign permit application by Texas Republic Signs for the Stripes located at 11200 Highway 191, Midland, Texas. (Generally located on the northeast corner of the intersection of FM 1788 and Highway 191.); seconded by Council Member Sparks.

IF approve get sign if deny they don't get it.

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

adjourn meeting 11:08 a.m.

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

