MIDLAND CITY COUNCIL
MINUTES
July 28, 2015

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ___ a.m. on July 28, 2015.

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

Council Members absent: None.

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

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at ___ a.m., July 28, 2015.

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

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

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:00

1. Invocation - Pastor Jon Slayden, Second Baptist Church

2. Pledge of Allegiance

PRESENTATIONS

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

PUBLIC COMMENT

Mayor invocation

Brian Whisenhunt, ex dir of mus of sw gavbe positive report on reso with neighbors for this years septemberfest. thanked council and staff who helped deal with issue. were able to adjust plan in satisfaction with neighbors. fest with sept 11-12-13. set up tuesday after labor day with fencing and tents. look forward to succesful weekend.

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

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 5 - 21 excluding 6, 7, 8, 9; seconded by Council Member Robnett.

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

5. Approved a motion approving the following minutes:

    a. Regular meeting of July 14, 2015.

10. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the lease of roll-off sludge filter containers for the Water Pollution Control Plant. (PURCHASING)

RESOLUTION NO. 2015 - 215
RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE LEASE OF ROLL-OFF SLUDGE FILTER CONTAINERS

11. Approved a resolution approving a contract for Environmental Compliance Sampling for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2015 - 216

RESOLUTION AWARDING A CONTRACT FOR ENVIRONMENTAL COMPLIANCE SAMPLING FOR THE UTILITIES DEPARTMENT TO AKANA, AT A TOTAL COST OF $67,884.22; AND AUTHORIZING PAYMENT THEREFOR; THE PROJECT WILL INCLUDE EFFLUENT SAMPLING, GROUND WATER MONITORING WELL SAMPLING, AND SOIL SAMPLING OF THE LAND APPLICATION AREAS AT SPRABERRY AND THE PLANT FARM

12. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the construction of the City of Midland Cured-In-Place Sewer Manhole Rehabilitation Project - Phase Two (Jal Draw; N. Loop 250 to Haynes Avenue) for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2015 - 217

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE CURED-IN-PLACE SEWER MANHOLE REHABILITATION PROJECT - PHASE TWO; SAID PROJECT WILL PROVIDE FOR THE REHABILITATION OF 29 SEWER MANHOLES LOCATED WITHIN THE NORTHWEST DRAINAGE CHANNEL (JAL DRAW) BETWEEN LOOP 250 AND HAYNES AVENUE

13. Approved a resolution awarding the project described as Rehabilitate Entrance Road Pavement and Guidance Signage (7113) at Midland International Airport to Jones Bros. of Odessa, Texas, and appropriate the necessary funds. (AIRPORTS)

RESOLUTION NO. 2015 - 218

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH JONES BROS. DIRT & PAVING CONTRACTORS, INC., OF ODESSA, TEXAS, FOR THE REHABILITATE ENTRANCE ROAD PAVEMENT AND GUIDANCE SIGNAGE PROJECT (7113) AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; THE COUNCIL PREVIOUSLY AUTHORIZED ADVERTISEMENT FOR BIDS FOR THE PROJECT; THE TOTAL ESTIMATED COST OF SAID PROJECT IS $1,546,901.13; AND APPROPRIATING FUNDS

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

RESOLUTION NO. 2015 - 219

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER TEN TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INCORPORATED, FOR IMPROVEMENTS CONTAINED IN THE AIRPORT CAPITAL IMPROVEMENT PROGRAM; SAID AMENDMENT TO INCLUDE THE FOLLOWING PROJECTS: 1) IMPROVEMENTS TO THE AIRCRAFT RAMP LIGHTING SYSTEM; 2) DESIGN AND REBID PROJECT TO UPGRADE THE ACCESS CONTROL SYSTEM AND CABLE UPGRADE; 3) PREPARE AN OPINION OF PROBABLE COST FOR THE SECURITY CHECKPOINT EXPANSION; AND APPROPRIATING FUNDS

15. Approved a resolution authorizing the advertisement for proposals for Rental Car agreements at Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2015 - 220

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR PROPOSALS FOR RENTAL CAR AGREEMENTS AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; AUTHORIZING THE CITY MANAGER TO NEGOTIATE RENTAL CAR AGREEMENTS; AND PROVIDING THAT SAID AGREEMENTS SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL

16. Approved a resolution authorizing the transferring of funds from Airport Operations (505) 2015 Operating Budget to HVAC Upgrade Project (9133) at Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2015 - 221

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE AIRPORT OPERATIONS 2015 OPERATING BUDGET TO THE HVAC UPGRADE PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT

17. Approved a resolution approving an agreement between the Midland Development Corporation and New Teraco, Inc. to help relocate the remaining part of their operations to Midland from Illinois. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2015 - 222

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE
MIDLAND DEVELOPMENT CORPORATION AND NEW TERACO, INC., AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

18. Approved a resolution authorizing the adoption of the City of Midland’s Consolidated Plan for Community Development and Housing Funds for Fiscal Years 2016 through 2020 and the 2015-2016 Action Plan to said consolidated plan and authorizing the execution of an application for Community Development Block Grant (CDBG) Funds. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 223

RESOLUTION ADOPTING THE CITY OF MIDLAND CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT AND HOUSING FUNDS FOR FISCAL YEARS 2016 THROUGH 2020 (OCTOBER 2015 TO SEPTEMBER 2020) AND THE 2015-2016 ACTION PLAN TO SAID CONSOLIDATED PLAN; AND AUTHORIZING THE EXECUTION OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

19. Approved a resolution authorizing and executing a Right-of-Way License between City of Midland, TX and CrownQuest Operating, LLC, said Right-of-Way License is for entering the City of Midland’s property for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing a salt water 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 the City of Midland property, Sections 5, 8, and 9, Block 38, T-2-S, T&P RR Co. Survey, Midland County, TX. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 224

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND CROWNQUEST OPERATING, LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 5, 8 AND 9, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

20. Approved a motion on request by West Company of Midland Inc. to defer public improvements for Coyote Hills Addition Section 1 and to waive the corresponding financial security guarantee valued at $738,955, an amount equal to the estimated cost of construction. The subject property is located on the north side of East County Road 130 approximately 770 feet west of the intersection with FM 715 in the City of Midland ETJ, Midland County, Texas. (ENGINEERING SERVICES)

21. Approved a resolution authorizing the renewal of an Operating Certificate for Midessa Transportation, LLC (POLICE)

RESOLUTION NO. 2015 - 225

RESOLUTION AUTHORIZING RENEWAL OF AN OPERATING CERTIFICATE FOR MIDESSA TRANSPORTATION, L.L.C.; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

6. Approved a resolution amending Resolution 2013-436 increasing the agreement with RCC Consultants, Inc. by $87,000.00 for consulting services for phase 3 of the radio project for the Communications and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2015 - 211

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL CONSULTANT SERVICES AGREEMENT WITH RCC CONSULTANTS, INC. REGARDING PHASE III OF THE RADIO REP LACEMENT PROJECT; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED $87,000.00.

Lacy pulled for clarification 35% additional funds on nov 27 of 2013 shy of 250,000. hired consultant to see obstacles ahead instead of asking for more money. Sharlett, they have no control over faa fcc and their delays. its just matter knew upf ront of feds kept us from progressing would cost more but din't want ocommit funds up front. lacy was that made aware to Council. Sharett in contract with radio people clause about wouldn't take responsible for faa nd fcc decisions. that is typical. Love clause in there but 35% was not communicated. Tommy complete with project just watching same similar situation. Sharlett these arehorny toads who knew endangered species.

Council Member Lacy moved to adopt Resolution No. 2015 - 211; 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 authorizing a contract for the 2015 Microsurfacing Project with the low bidder, Viking Construction, Inc., for a cost of $804,605.52 plus $120,690.83 in contingencies for a total cost of $925,296.35 for the base bid only for the Transportation

Division. (PURCHASING)

RESOLUTION NO. 2015 - 212

RESOLUTION AWARDING A CONTRACT FOR THE 2015 MICROSURFACING PROJECT TO VIKING CONSTRUCTION, INC. OF GEORGETOWN, TEXAS, AT A TOTAL COST OF $804,605.52; PROVIDING FOR A FIFTEEN PERCENT (15%) CONTINGENCY AMOUNT; ALLOCATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

Council Member Sparks moved to adopt Resolution No. 2015 - 212; 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.

8. Approved a resolution authorizing a contract for the 2015 Crack Seal Project with the sole bidder, Champion Infrastructure, LLC, for a cost of $452,700.00 plus $45,270.00 in contingencies for a total of $497,970.00 for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2015 - 213

RESOLUTION AWARDING A CONTRACT FOR THE 2015 CRACK SEAL PROJECT TO THE SOLE BIDDER, CHAMPION INFRASTRUCTURE, LLC OF SALADO, TEXAS, AT A TOTAL COST OF $452,700.00; PROVIDING FOR A TEN PERCENT (10%) CONTINGENCY AMOUNT; ALLOCATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

Lacy pulled is contingent with microsurfacing? gavbe selected four areas divided into 10 areas. 4 in need of crackf ill. want to follow up with surface treatment within 2 years. lacy sole bidder confident in ability of contr. gave checked on contr sev emp with 20plus eyars of exp 90% txdot. they perf well on projects. lacy conc when outside bidders get subpar product. gabe quality ens

Council Member Lacy moved to adopt Resolution No. 2015 - 213; 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 a contract for two (2) years for a total of $420,000.00 with the sole bidder, S & M Business, Inc. dba Austin Land Service dba Austin Wood Recycling for Yard Waste Mulching for the Solid Waste Department. (PURCHASING)

RESOLUTION NO. 2015 - 214

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR YARD WASTE MULCHING TO THE SOLE BIDDER, S&M BUSINESS INC. OF CEDAR PARK, TEXAS, AT A TOTAL COST OF $420,000.00

Lacy pulled came up 3 times do we do mobilize 3x year cheaper to pruch own equip. morris don't think so big equip being able to maintain it and run it. lacy 5000 tons a eyar? morris yes that number is elevated plus trans cost and for two eyar period. doubt reach400,000 mark and will need trans to move mulkch htoch purch once. morris yes very small. chipper. cant do big trucnks

Council Member Lacy moved to adopt Resolution No. 2015 - 214; seconded by Council Member Hotchkiss.

love mulch made avail to citizen. morris ccs and landfill. good quality mulch with chipper very good quality. prefer to ccs. free. htochkiss trying to get landscape to put in contracts to use free city mulch. lacy

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

SECOND READINGS

22. Consider an ordinance on second reading on a request by Clear Springs Cafe for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on an 11,700-square foot portion of Lot 1, Block 3, Westridge Park Addition, Section 5, City and County of Midland, Texas (Generally located southwest of the intersection of Andrews Highway and Tradewinds Boulevard.) (DEVELOPMENT SERVICES) (First reading held on July 14, 2015.)

ORDINANCE NO. 9457

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS AN 11,700-SQUARE FOOT PORTION OF LOT 1, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF ANDREWS HIGHWAY AND TRADEWINDS 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 Reyes read the caption of Ordinance No. 9457.

Council Member Love moved to approve the second and final reading of Ordinance No. 9457 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. Consider an ordinance on second reading on a request by Faustino Quiroz for a Specific Use Permit without Term for a wireless communication system on Lot 1, Block 10, Lynside Addition, Section 2, City and County of Midland, Texas (Generally located southwest of the intersection of East Scharbauer Drive and North Tyler Street.) (DEVELOPMENT SERVICES) (First reading held on July 14, 2015.)

ORDINANCE NO. 9458

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 10, LYNSIDE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF EAST SCHARBAUER DRIVE AND NORTH TYLER STREET), WHICH IS PRESENTLY ZONED LR-3, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A WIRELESS COMMUNICATION SYSTEM; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9458.

Council Member Love moved to approve the second and final reading of Ordinance No. 9458 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

24. Consider an ordinance on second reading a request by SBC, L.P. for approval of a zone change from PD, Planned District for a Shopping Center, to O-2, Office District, on an 11.31-acre tract of land within Tradewinds Boulevard and Champions Drive right-of-way; the remainder of Lot 1, Block 6, Westridge Park Addition, Section 6; and Lot 2, Block 6, Westridge Park Addition, Section 19; all located in the City and County of Midland, Texas (Generally located southeast of the intersection of Champions Drive and Tradewinds Boulevard. Council District - 4) (DEVELOPMENT SERVICES) (First reading held on July 14, 2015.)

ORDINANCE NO. 9459

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING AN 11.31-ACRE TRACT OF LAND LOCATED WITHIN THE TRADEWINDS BOULEVARD AND CHAMPIONS DRIVE RIGHTS-OF-WAY, REMAINDER OF LOT 1, BLOCK 6, WESTRIDGE PARK ADDITION, SECTION 6, AND LOT 2, BLOCK 6, WESTRIDGE PARK ADDITION, SECTION 19, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF CHAMPIONS DRIVE AND TRADEWINDS BOULEVARD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9459.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9459 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.

25. Consider an ordinance on second reading on a request by Lamar Advertising / Sue Brannon for a Specific Use Permit with Term for an Electronic Billboard, on a 1.807-acre tract of land out of Section 5, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of W. Loop 250 North, approximately 675-feet west of N. Midkiff Road.) (DEVELOPMENT SERVICES) (First reading held on July 14, 2015.)

ORDINANCE NO. 9460

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 1.807-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK “X”, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 675 FEET WEST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR AN ELECTRONIC BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9460.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9460 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: Hotchkiss. ABSTAIN: None. ABSENT: None.

26. Consider an ordinance on second reading on a request by Reagan Hignojos for a Special Exception to the Zoning Code concerning the front yard setback on Lot 4, Block 9, Berkshire Place, City and County of Midland, Texas (Generally located on the south side of Gulf Avenue, approximately 200-feet east of N. Garfield Street - Council District 3) (DEVELOPMENT SERVICES) (First reading held on July 14, 2015.)

ORDINANCE NO. 9461

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 4, BLOCK 9, BERKSHIRE PLACE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF GULF AVENUE, APPROXIMATELY 200 FEET EAST OF NORTH GARFIELD STREET), BY PERMITTING AN ENCROACHMENT INTO THE REQUIRED FRONT YARD SETBACK FOR AN ACCESSORY STRUCTURE; 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 Reyes read the caption of Ordinance No. 9461.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9461 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

27. Hold a public hearing and consider a resolution on a request by Dragon Products, Ltd. for approval of a Temporary Land Use Permit for Heavy Machinery Sales and Storage, on a 37.72-acre tract of land out of Section 10, Block 40, T-2-S, T & R.R. Company Survey, City and County of Midland, Texas (Generally located on the north side of West Interstate Highway 20, approximately 400-feet west of South County Road 1250.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 226

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR HEAVY MACHINERY SALES AND STORAGE ON A 37.33-ACRE TRACT OF LAND OUT OF SECTION 10, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST INTERSTATE HIGHWAY 20, APPROXIMATELY 400 FEET WEST OF SOUTH COUNTY ROAD 1250); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Chuck Harrington request for parcel of prop zoned BP bus park. applicant was misimpression could use zone for heavy equip sales. talked with them wasn't allowed. look for alternative. Present ot Council is opportunity to give him tlup 9 month good until april 30 2016. no more equipment will be allowed than what is on site now 450 pieces. a pp reduce amount of equip on site each month follow up with staff to ensure number reduce. require to install visual screening and also required to remove what was on premise sign advertising signs on billboard. it still has dragon products but nothing in sight. app prov check 200,000 to secure obligation to remove equip remain at end of period and have to remove temp bldgs and eprs prop from site. Love if 9 mths up have 200,000 to use to remove. Love he made mistake 9monhths to correct no more outside sales. Lacy asking for forgiveness than permission situation. Chuck caught and trying to resolve. lacy adjacent prop owners okay. chuck no received anything else form stripes across street not currently open and operating. another prop owner further down and trying to put screening. Morales owner came in and visited with sharla and him very humble very apologetic thought trying to resolve. Duford comfor with stafaf rec. yes.

Mayor Morales opened the public hearing at 10:24 a.m.

Harper Estes 2007 Stanolind hujmble apology for mistake. beginning with 450 peices of equipment but some in and out because might sell 2 frac tanks but take 2 in on trade. seek clarification. very much appreciatie opportunity to work with. hotchkiss net at end of each month will be reduce. harper will be out and gone at end of 30th. presented eeposit and know reason for it being there.

Courtney as long as overall reduction don't have problem understand business end as long as reduction. Courtney didn't say.

Casey Crenshaw, principal of dragon from beaumont tx. bus started in 1963 mgf ag equip and expand into industrial and energy related equipm. been in w tx over 10 years. late last eyar some customers had issue to market good surplous equip which led ot needing some land. good property to promote equipment. apologize personally for moving too fast on not following process. appreciate giving some leeway to solve out of compliance issue. Hotchkiss this sin't only dealing other busienss. Casey 4 location in west tx two locations in Midland and two in odessa. We were out of storage space. thought right spot but found in error.

There being no one else wishing to speak, the public hearing was closed at 10:28 a.m.

Council Member Love moved to adopt Resolution No. 2015 - 226; 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.

MISCELLANEOUS

28. Approved a resolution authorizing Edwin Jaquez to operate a concert, in conjunction with the West Texas Blowout, until 1:00 a.m. on Saturday, August 8 & Sunday, August 9, 2015. (COMMUNITY SERVICES)

RESOLUTION NO. 2015 - 227

RESOLUTION AUTHORIZING EDWIN JAQUEZ TO OPERATE A CONCERT IN CONJUNCTION WITH THE WEST TEXAS BLOWOUT UNTIL 1:00 A.M. ON AUGUST 8 (SATURDAY) AND AUGUST 9 (SUNDAY), 2015 AT THE SCHARBAUER SPORTS COMPLEX

Tina Jauz request concerning concert planned at scarber in cimarez. concert dates are friday into sundaymorning until 1 a.m. Lacy do we have site plan? Tina at rockhounds have marketing agreement provide map to those wanting to do concert in cimarex and only give one option is similar to mex tex stage face loop. Lacy have set hours at sports complex for a reason. going to 1 am both morning just have people out there don't want to ehar noise. udnerstand bought by sports complex is entertainment area make sure soften music by 10 p.m. but 1 a.m. too long.

Love sympathize with neihborhood with respect to 1 a.m. and applicant can comprimise at midnight. being a participant in events like this that extra hour of beer sales make difference of an event. Lacy public safety issue of drinking until 1 am and then driving home.

Edwin Jaquez, 5611 San Saba, in addition to what mr love mentioning of a successful event main factors is attendance giving extra hour are expecting other people form area come ing from s tx and san antonio. another factor for hour ext is when hire artists, tehse big artists trying to get 90 minutes with just midnight would be hard to meet 90 minutes for? shrunk scheduled form 15 last year to 7 not counting local talent. in respect to local talent not having extra hour will have to cut local talent. lastly is heat, extra hour gives leeway to make up for low attendance in the heat. cutting short could hurt repuation in future events. Lacy you started advertising without permission to use event cutting short. Edwin advertise if go to website advertising now or time schedule. the agreemeent signed . courtney events that happen at sports complex rockhounds enter into agreement. only considering extending time. lacy his apologies misunderstanding. Sparks hav eever allowed venue to go past midnight. lacy for no profit. Sparks at least one event they even called him about noise that night. Dufford same had to do with way stage was arranged and rectified. now faces south where pumping units and I20 are. faces loop southeast. Morales rpevious events done allowed friday event ot midnight and sat to 1 a.m. Tina it was the sat event that went until 1 a.m. all other vents for concert for one day. Tina believe only event to ask for extended hour. Dufford how many registered complaints with police dept over any of those events. Tina went down significant once stage was repositioned. Morales could live with friday midnight and sat 1 a.m. or just opposite. Edwin think sat would pref closing at 1 .am. and biggest attendanc.e would like friday too because short on time. if ask which would accept sat as longer. Robnett now many people out of town and how many people total. Edwin throughout weekend hoping to expect avg 3-4000 total. at one time sat 3,000. Robnett moving event up one hour wouldn't rectify by opening doors one hour earlier? Edwin on saturday people sitll coming in on saturday main factor will be heat keeps attendance low. moving up horus wouldn't hlep. Dufford leave at 1 a.m. if significant complaints lodged with police dept then reconsider this event next eyar. Love agree with dufford not like first time topic came up taken steps to satisfy neighborhood. MR. jaquez has est in neighborhood. Chief would agree not a lot of police because do good job. Morales past exp btwen 12 and 1 don't want it to get louder. this is chance.

Council Member Dufford moved to adopt Resolution No. 2015 - 227; seconded by Council Member Love.

Sparks not sure should be allowing sid ewith homeowners.

Dufford wiling to give benefit of doubt. if start getting people calling then rethinke verything out there. hotchkiss trial. love don't see why trial already been ina rea until 1 a.m.

erwin will have pd contracted tow ork event.

how many lacy = 10-15 officers at one time.

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

29. Consider 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. (ENGINEERING SERVICES)

ORDINANCE NO. 9462

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 SueAnn Reyes read the caption of Ordinance No. 9462.

Mike Pacelli first of two standard taffic ord every 3 months this stop next yeild adding 29 new stops signs and conv 30 int from yeild to sotp control. been doing every few months as work way around different neighborhoods if feel yeild not as safe due to recent developments.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9462 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Love shared with friends because though changing yield to stop would be worse people who usually yield now have to stop make other people fly down street. Mike did follow up with resident and speeds are higheer than like but not unusual but referred to pd.

dufford commend for traffic light synch able to get around town easier. having hard time texting and driving because no stop.

Htochkiss compliment friends live near missouri worried aobut removing taffic and love it.

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

30. Consider an ordinance 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. 9463

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 SueAnn Reyes read the caption of Ordinance No. 9463.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9463 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.

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

Council Member Sparks moved to appoint John Klassen to Hotel/Motel Tax Advisor Board ; 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.

Love serious vacancy on MDC. morales working withs taff to interview. Dufford ahve several. talked to Wes Bounds will fill Tracy's vacancy. MOrales served on 4b.

Council Member Dufford moved to appoint Wes Boudns to remainder of Tracy Bacon term on MDC; 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.

Love yesterday in budgetmeeting brought to attention about certain young many savedd city of midland saved 1/2 M needs public recog and applause (applause.)

adjourned 10:54 p.m.

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

PASSED AND APPROVED the __ day of ____, 2015.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary