

**MIDLAND CITY COUNCIL
MINUTES
August 08, 2017**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on August 08, 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., August 08, 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 10:04

1. Invocation - Pastor Robert Pase, Grace Lutheran Church
2. Pledge of Allegiance

PRESENTATIONS

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

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 4 - 20 excluding 8, 9; seconded by Council Member Robnett.

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

4. Approved a motion approving the following minutes:
 - a. Regular meeting of July 25, 2017
5. Approved a resolution awarding a contract for Raised-Access Flooring for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2017 - 209

RESOLUTION AWARDING A CONTRACT FOR THE INSTALLATION OF RAISED ACCESS FLOORING FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT'S DISPATCH CENTER TO THE SOLE PROPOSER, PRESTIGE INTERIORS CORPORATION OF AUSTIN, TEXAS, AT A TOTAL COST NOT TO EXCEED \$62,740.00; AND AUTHORIZING PAYMENT THEREFOR

6. Approved a resolution approving the issuance of a request for proposals for an Agenda and Document Management System for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2017 - 210

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR AN AGENDA AND DOCUMENT MANAGEMENT SYSTEM

7. Approved a resolution awarding a contract for the Water, Wastewater & Fire Hydrant Taps 04 Expanded Program for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 211

RESOLUTION AWARDDING A CONTRACT FOR THE WATER, WASTEWATER, & FIRE HYDRANT TAPS EXPANDED PROGRAM 04 PROJECT TO THE SOLE BIDDER, RED DEER CONSTRUCTION, LLC OF MIDLAND, TEXAS, AT A TOTAL COST NOT TO EXCEED \$700,000.00; AND AUTHORIZING PAYMENT THEREFOR

10. Approved a resolution authorizing the release and transfer of terms, conditions, covenants and restrictions on an approximately 5,472 square feet tract located in block 54, original town in the City of Midland, Texas and transferring terms, conditions, covenants to an approximately 14,000 square feet tract located west of block 54, original town and in a vacated part of Loraine Street for the General Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 214

RESOLUTION APPROVING THE RELEASE OF TERMS, CONDITIONS, COVENANTS AND RESTRICTIONS FROM AN APPROXIMATE 5,472-SQUARE FOOT TRACT OF LAND OUT OF LOTS 18-22, BLOCK 54, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS, AND THE TRANSFER OF SAID TERMS, CONDITIONS, COVENANTS AND RESTRICTIONS TO AN APPROXIMATE 14,000-SQUARE FOOT TRACT OF LAND LOCATED WEST OF BLOCK 54, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS, AND BEING A PORTION OF THE TRACT OF LAND DESCRIBED IN ORDINANCE NO. 9584 FOR THE PURPOSE OF VACATING A 0.55-ACRE PORTION OF NORTH LORAIN STREET RIGHT-OF-WAY; AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, A RELEASE AND TRANSFER OF TERMS, CONDITIONS, COVENANTS AND RESTRICTIONS AND TO EXECUTE ALL OTHER DOCUMENTS AND TO TAKE ALL ACTION NECESSARY OR APPROPRIATE TO EFFECT THE SAME; AND ORDERING THE CITY SECRETARY TO RECORD OR ENSURE THE RECORDING OF THE RELEASE AND TRANSFER OF TERMS, CONDITIONS, COVENANTS AND RESTRICTIONS

11. Approved a resolution authorizing the City Manager to negotiate and purchase a .3214 acre tract of land being all of lots 5 and 6, block 49, of East Midland Addition, Midland, Texas for the General Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 215

RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE, ON BEHALF OF THE CITY OF MIDLAND, LOTS 5 AND 6, BLOCK 49, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS; AUTHORIZING THE NEGOTIATION, EXECUTION AND FILING OF ALL DOCUMENTS NECESSARY FOR THE PURCHASE OF SAID REAL PROPERTY; AUTHORIZING PAYMENT FOR SAID PURCHASE; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, THE INSTRUMENT(S) OF CONVEYANCE

12. Approved a resolution appropriating Funds from the 2014 CO Fund. (CISD)

RESOLUTION NO. 2017 - 216

RESOLUTION APPROPRIATING \$1,155,608.29 FROM THE 2014 CO FUND UNAPPROPRIATED FUND BALANCE AND TRANSFERRING \$600,000.00 TO THE FIBER OPTICS PROJECT AND \$555,608.29 TO THE NETWORK INFRASTRUCTURE UPGRADE PROJECT

13. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Isbell HZ Unit No. 112H) located 2,416 feet from the north line and 2,360 feet from the east line located in Section 1, Block X, Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 200 feet north of Solomon Lane extension and 2,280 feet west of Fairgrounds Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 217

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,416 FEET FROM THE NORTH LINE AND 2,360 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 200 FEET NORTH OF THE SOLOMON LANE EXTENSION AND APPROXIMATELY 2,280 FEET WEST OF FAIRGROUNDS ROAD); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

14. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C. (Operator), for a permit to drill an oil & gas well within the City limits, (Isbell HZ Unit No. 113H) located 2,416 feet from the north line and 2,330 feet from the east line located in Section 1, Block X, Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 200 feet north of Solomon Lane extension and 2,250 feet west of Fairgrounds Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 218

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,416 FEET FROM THE NORTH LINE AND 2,330 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 200 FEET NORTH OF THE SOLOMON LANE EXTENSION AND APPROXIMATELY 2,250 FEET WEST OF FAIRGROUNDS ROAD); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

15. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C. (Operator), for a permit to drill an oil & gas well within the City limits, (Isbell HZ Unit No. 114H) located 2,416 feet from the north line and 2,300 feet from the east line located in Section 1, Block X, Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 200 feet north of Solomon Lane extension and 2,220 feet west of Fairgrounds Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 219

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,416 FEET FROM THE NORTH LINE AND 2,300 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 200 FEET NORTH OF

THE SOLOMON LANE EXTENSION AND APPROXIMATELY 2,220 FEET WEST OF FAIRGROUNDS ROAD); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

16. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C. (Operator), for a permit to drill an oil & gas Well within the City limits, (Isbell HZ Unit No. 116H) located 2,416 feet from the north line and 2,240 feet from the east line located in Section 1, Block X, Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 200 feet north of Solomon Lane extension and 2,160 feet west of Fairgrounds Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 220

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,416 FEET FROM THE NORTH LINE AND 2,240 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 200 FEET NORTH OF THE SOLOMON LANE EXTENSION AND APPROXIMATELY 2,160 FEET WEST OF FAIRGROUNDS ROAD); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

17. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C. (Operator), for a permit to drill an oil & gas well within the City limits, (Isbell HZ Unit No. 117H) located 2,416 feet from the north line and 2,210 feet from the east line located in Section 1, Block X, Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 200 feet north of Solomon Lane extension and 2,130 feet west of Fairgrounds Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 221

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,416 FEET FROM THE NORTH LINE AND 2,210 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 200 FEET NORTH OF THE SOLOMON LANE EXTENSION AND APPROXIMATELY 2,130 FEET WEST OF FAIRGROUNDS ROAD); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

18. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Diamondback E&P LLC., said Right-of-Way License is for entering the City of Midland's property for the purpose of constructing, operating, repairing, maintaining and removing two eight (8) inch produced water polylines, and one twelve (12) inch water polyline, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located within City of Midland property, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 222

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE

BETWEEN THE CITY OF MIDLAND AND DIAMONDBACK E&P LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 8, BLOCK "X", H.P. HILLIARD SURVEY, MIDLAND COUNTY, TEXAS

19. Approved a resolution appointing an Associate Substitute Judge. (MUNICIPAL COURT)

RESOLUTION NO. 2017 - 223

RESOLUTION APPOINTING A SUBSTITUTE JUDGE FOR THE CITY OF MIDLAND MUNICIPAL COURT

20. Approved a resolution authorizing the office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to represent the City of Midland in a lawsuit styled bank of New York Mellon Trust Company, National Association FKA the Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, as trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2003-RP2 v. Robert M. Middleton and Rebecca Middleton, individually and as independent executrix of the estate of Jefferson Carl Ward, deceased, et al., in the United States District Court for the Western District of Texas, Midland-Odessa Division, Civil Action No. 7:15-CV-00041-DAE. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2017 - 224

RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO FILE ALL DOCUMENTS, EMPLOY ALL NECESSARY EXPERTS AND MAKE ALL NECESSARY APPEARANCES TO REPRESENT THE CITY OF MIDLAND IN A LAWSUIT STYLED BANK OF NEW YORK MELLON TRUST COMPANY, NATIONAL ASSOCIATION FKA THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR TO JPMORGAN CHASE BANK, AS TRUSTEE FOR RESIDENTIAL ASSET MORTGAGE PRODUCTS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2003-RP2 V. ROBERT M. MIDDLETON AND REBECCA MIDDLETON, INDIVIDUALLY AND AS INDEPENDENT EXECUTRIX OF THE ESTATE OF JEFFERSON CARL WARD, DECEASED, ET AL., IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS, MIDLAND-ODESSA DIVISION, CIVIL ACTION NO. 7:15-CV-00041-DAE

8. Approved a resolution awarding a contract for the Utility Extension Program 03 for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 212

RESOLUTION AWARDING A CONTRACT FOR THE UTILITY EXTENSION PROGRAM 03 PROJECT TO BOLER EQUIPMENT SERVICES, INC. OF MIDLAND, TEXAS, AT A TOTAL COST NOT TO EXCEED \$2,500,000.00; AND AUTHORIZING PAYMENT THEREFOR

Lacy inquire about couple things. happy to see competition in utilities. concern one 930,000 above other bid. why does contractor have such a bid other one comfortable sole bidder is taking advantage, josh fergusson project eng. can't speak to individual contractors. when first started assumed over time eventually would see increase in project and see other and see turnover. as far as actual pricing don't know financing of individual contracts. lacy encourage to see this being taken advantage keep

an eye.

Council Member Lacy moved to adopt Resolution No. 2017 - 212; seconded by Council Member Robnett.

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

9. Approved a resolution authorizing the issuance of an invitation for bid for lots 1 and 2, Block 64, Permian Estates Addition, former Fire Station Six (6), for the General Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 213

RESOLUTION AUTHORIZING ADVERTISEMENT FOR SEALED BIDS FOR THE SALE OF REAL PROPERTY DESCRIBED AS LOTS 1 AND 2, BLOCK 64, PERMIAN ESTATES ADDITION, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY KNOWN AS 4315 THOMASON DRIVE)

Lacy question two months ago council rereat asked for list of assets still no list. Fred can get info. this week. second minimal on rfp advertising like to move and approve minimum of \$100,000

Council Member Lacy moved to adopt Resolution No. 2017 - 213 with amendment to put a minimum of \$100,000; seconded by Council Member Robnett.

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

SECOND READINGS

21. Consider an ordinance on second reading on a request by Mickey Rogers for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 5,751 square foot portion of Lot 1A, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas (Generally located 560-feet south of West Loop 250 North, approximately 510-feet west of North Midkiff Road.) (DEVELOPMENT SERVICES) (First reading held on July 25, 2017)

ORDINANCE NO. 9686

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 5,751-SQUARE FOOT PORTION OF LOT 1A, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 560 FEET SOUTH OF WEST LOOP 250 NORTH AND APPROXIMATELY 510 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

dep cs karla rco 9686.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9686 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

PUBLIC HEARINGS

22. Hold a public hearing and consider an ordinance on a request by Midland DTP, LLC for a Zone Change from PD, Planned District for a Transition District, to an Amended Planned District on a 2.048-acre tract of land out of Section 42, Block 38, T-1-S T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the northwest corner of Todd Drive and East Highway 80.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9687

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.048-ACRE TRACT OF LAND OUT OF SECTION 42, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE NORTHWEST CORNER OF TODD DRIVE AND EAST HIGHWAY 80); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9687.

Development Services Director Chuck Harrington gave a brief overview of the item noting Todd/E Hwy 80 original planned applicant proposing to change and redevelop as retail in LR1. Site plan has is for Dollar store. proposing to erect structure at corner. reviewed by all depts with no objections. it is in compliance with city tomorrow comp plan staff rec approval subject to conditions in packet.

Mayor when comes to road infrastructure how much control does City have to ensure all safety factors in place. Chuck they will be contributing to improvements of Todd Rd. Dedication will include. Mike ultimate row is 120 we deferred so it will be one project. Morales are we going to develop. Frank putting up their portion or other side of road that puts up. Lay part is in County. Jose Ortiz, entered agreement with applicant. any funds would be throwaway, entire intersection needs to be widened. put up 1/3 escrowed will come up with a project at later time. not putting in today just what is needed for the development driveway radius and access to site. Hotchkiss why off Todd and not off side road? Jose side road is I-20 and has to be negotiated with State. That intersection is expensive. Hotchkiss' onramp is in better shape and easier to come off. Mike Pacelli deep narrow lot. goal to get driveway as far from intersection a lot of depth on Todd and very little on I-20 very close to signal and close to where traffic is

queuing. safer to get further from intersection by putting on Todd. Morales what is our portion to widen road. \$104,000 1/3 of obligation for full cost arterial over length of frontage. Morales in opinion major concerns on Todd road. Mike long term needs to improve intersection doesn't change needed for this development. not a factor here. Mike not currently in plan. Hotchkiss off service road and on Todd how far down? Mike 150-200 feet back don't recall exactly. they got it far back as they could.

Mayor area lighted and when trucks come in and trying to make wide turn and cars being able to see do we have say so on lighting on parking lot. Mike yes as part of building permit review. mayor pressing for more lighting. Chuck try to confine lighting to site and not impact adjoining property owners. Hotchkiss fence only 6 feet and think it needs to be taller. Hotchkiss in past when coming off Wdley agreed to 7 foot fence and worked with lighting. This would protect neighborhood behind it from light and live stock. Wood offers more than barbed fence. Frank driveway entrance 300 feet back.

Mayor Morales opened the public hearing at 10:20 a.m.

Bob Gage applicant developer, 9010 Overlook TN, avail for questions. how laid out exactly what intending to do. taller fence? Hotchkiss 7 foot fence. Bob agreed to 7 foot. regarding lighting for project all have 100% cutoff shade. goal to keep all lighting within property line. submit document proofing not exceeding light off property. Morales want to keep as safe as possible very busy road more development up north and concern about trucks coming in and want to ensure every vehicle there can see truck light as much as possible as allowed by code. Lacy is this first time do. Bob 100 dollar generals a year. Lacy average customer count per hour 10. from time open to time close.

Yoyo Ketter, 1101 Todd Rd, don't have a lot of choice but want to know what red survey not done. p7z said it wasn't wanted. it will create a lot of traffic to north. Todd road can't pass, can't see 218 wheelers going up and down road and not supposed to be on road. travel from loop to tank farm all the time. She understand going to approve 460 feet of Todd road what about rest of property. Not enough room all homes will be confiscated because not enough width to take row without doing that. the fence appreciate the change. yes do have dog barking there there was a pathway so no one can jack with animal been here 43 years. Lacy were you previous property owner of location. Yes. Lacy why no deed restrictions when sold. Yoyo there was when got rezoned was when all of that happened. no choice.

There being no one else wishing to speak, the public hearing was closed at 10:25 a.m.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9687 in accordance with the Charter of the City of Midland with amendment to require 7 foot fence; seconded by Council Member Lacy.

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

23. Hold a public hearing and consider an ordinance for approval of a City-initiated proposal to amend Section 11-1-10(B) of the Midland City Code to add for-profit Plasma Donation Center as a use permitted with a Specific Use Permit without Term in the LR-3, or less

restrictive districts. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9688

AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", CHAPTER 1, "ZONING", SECTION 10, "SPECIFIC USE PERMITS", SUBSECTION (B) OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO ALLOW THE ISSUANCE OF SPECIFIC USE PERMITS WITHOUT TERM FOR FOR-PROFIT PLASMA DONATION CENTERS IN THE LR-3, LOCAL RETAIL DISTRICT, OR LESS RESTRICTIVE DISTRICTS; 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. 9688.

Development Services Director Chuck Harrington gave a brief overview of the item noting for profit donation center. directed by council to revise ord to allow those in LR3 with special use permit and that is what bring forward today is change to ordinance. rec no loj rec approval.

Mayor Morales opened the public hearing at 10:27 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9688 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

24. Hold a public hearing and consider an ordinance on a request by Peter Kavanaugh/Zone Systems, Inc., for a zone change from Planned District for a shopping Center, to an Amended Planned District on Lots 15-17 and Lot 42R of The Village, City and County of Midland, Texas (Generally located on the south side of Illinois Avenue, approximately 300-feet west of Andrews Highway.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9689

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 15, 16, 17 AND 42R, THE VILLAGE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF ILLINOIS AVENUE, APPROXIMATELY 300 FEET WEST OF ANDREWS HIGHWAY); 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. 9689.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is site that stimulated ord change just read. applicant is requesting

amendment of pd to allow for a for profit plasma donation center for this site. Staff looked at prospect of having building redeveloped and vacant building being used. also looked at comp plan and one initiative is to redevelop mixed use activity for area and tie in from downtown to the village with wall street between. The idea to make more vibrant neighborhood in with hospital and redeveloped office building. As said despite fact this would be good opportunity to habitate a vacant building not sure that particular type of activity would complement future vision of the village and therefore staff not supportive of request. There are a number of conditions to consider if decide to approve. no objection to request. Lacy understand the plan and will develop will govt not in business of dictating. Chuck want to encourage those kinds of things.

Hotchkiss not against plasma center but can't support one in this location. comp master plan is guiding document and a lot of input from citizens. they wanted it to be used as in interesting locally owned retail success. this is unique area mixed use and residential. Shee asked major stakeholder, hospital, how they could help by having it there. they said they wouldn't benefit from a for profit plasma center. doesn't think it would encourage revitalize. Lacy where in city would it be conducive. Chuck several LR3 areas that are available, fairly well used district across city. a lot of opportunity staff is uncomfortable.

Mayor Morales opened the public hearing at 10:33 a.m.

Eric West Parksmith cooper with Peter Kavanagh. pd for a long time under LR2 brought in 3-4 LR3 uses at that time. Request to add one more of those LR3 type uses that approved before into this. the comp plan. appreciate looking so much time on comp plan to see how fits in. Comp plan doesn't try to dictate specific uses everywhere more about density look and feel and then up to Council to decide on specific uses. Medical center village is specific and does try to create mixed use. four ways is traffic and pedestrian redesign, public parking and street scape work, trying to create neighborhood square common space folks can use and working on housing end of that. part of what need to make happen is energy in area for the types of business that would help contribute to that as well as employment centers for people who want to be in area. this is medical area and this use while customers could go anywhere, the benefit comes from employees of business being in same general vicinity as other uses. its a use that fits well in medical area. this use is not outside waiting around. from outside not know much about what is going on. inside medical office feel for what takes place. If interested there are no objections to this use. Hancock Fabrick facility. Provided letter from day care adjacent to location. SS spent a lot of time looking at what is going on. LR3 is a use that is available in other parts of city. Can't get to LR3 not too far but this location is open available and fits their current need. Opinion of applicant that this fits and works well and ask add in for profit plasma to the pd to install there. Morales 8-5 operation? Erric day time operation. Morales based on layout what entrance similar. Eric yes architectural do work to front and inside and keep entry in same location likely. Mayor by going to this zone can't they bring complimentary businesses? Eric only other use are things that fit in PD other LR2 use or specific LR3 things in pd. anything that fits in that such as other medical office use would fit in here. Don't know how many square feet will be used for donation. Chuck Harrington in terms of square footage Mr. Kavanagh had 30 beds for collections. Dufford who else sells plasma besides college? Eric anyone looking for additional income. Pretty good screening process has to go through. Get into regular pattern of doing that. Lacy strategically picked location? value building/location?

Eric combination of those two things being near medical are for employee connection. Good spot to establish business. Dufford couldn't locate anywhere but now can locate in Ir3 there are a lot of places around town. doesn't matter where located it doesn't have to be specific to this area. put in Ir3 to look for Ir3. Eric this location did have Ir3 uses. Eric other Ir3 indoor appliances for rent, retail rent to own retail green house furniture upholstery, pawn shop.

There being no one else wishing to speak, the public hearing was closed at 10:45 a.m.

dies for lack of motion.

precluded from bringing back at this location for one year.

Council Member moved approval of the first of two readings of Ordinance No. 9689 in accordance with the Charter of the City of Midland; seconded by Council Member .

25. Hold a public hearing and consider an ordinance on a request by Midland Owner, LLC c/o Continuum Partners, LLC for a zone change from PD, Planned District to an Amended Planned District, on Lots 4-6, Block 3, Westridge Park Addition, Section 28, City and County of Midland, Texas (Generally located on the east side of Avalon Drive, between Andrews Highway and Deauville Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9690

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 4, 5, AND 6, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 28, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF AVALON DRIVE, BETWEEN ANDREWS HIGHWAY AND DEAUVILLE 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 Karla Mata read the caption of Ordinance No. 9690.

Chuck Harrington two years ago rezoned into special pd with special requirements including one t-story office building 5 on west end of development. applicants worked with someone interesting in developing property with two 5 story on east end now asking for amendment of orig pd to move to east end instead of west end and add another 5 story. lacy orig 5 and 4 not getting another building. Chuck has basic of request two class a office building sq footage close to 300,000 sq ft. asking for something comm can't do. the dev committee after that can take action to see developed according to standards. Lacy after speaking with developer by allowing rearranging allows to jump start allowing amenities needed.

Mayor Morales opened the public hearing at 10:48 a.m.

Robert Rendall 6 Dester Suite 1000, changing on the minor thing in existing ord is location of office buildings. not changing in requirements for minimum and max just location. avail for question. Lacy checked with Cox and Chevron no. two office

buildings on northwest corner kind off on other side of drainage area from Mercedes it would like up with parking garage not blocking any buildings. everyone has good feel about it. excited moving forward.

There being no one else wishing to speak, the public hearing was closed at 10:50 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9690 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

26. Hold a public hearing and consider an ordinance on a request by Gene Roumell dba Rockstar Karaoke Inc., for a Specific Use Permit with Term for sale of all alcoholic beverages, for on-premises consumption, in a nightclub, being a 8,590 square foot portion of Lot 18, Block 1, Providence Park, Section 2, City and County of Midland, Texas (Generally located northwest of the intersection of West Wadley Avenue and North Midkiff Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9691

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS AN 8,590-SQUARE FOOT PORTION OF LOT 18, BLOCK 1, PROVIDENCE PARK, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF WEST WADLEY AVENUE AND 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 THE SALE OF ALL ALCOHOLIC BEVERAGES IN A NIGHTCLUB 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. 9691.

Development Services Director Chuck Harrington gave a brief overview of the item noting previous woofers and tweeters in this location 12-2 sun 11-2 mon-sat. now wishing to put application in new name which is rock star karaoke inc and change hours. 6-2 reducing day time hours. operation looked at instance in real minor ppd is supportive of request. The hours omitted using p7z rec approval meets all requirements for alcohol beverage. Lacy day Sunday through Saturday. redesignated as bar. chuck applicant proposing to change hours of operation. Dufford peace officers on location at those times? John not a condition. Dufford quite a few incidences quite a few calls for various things no different than buffalo wild wings. removed theirs because less. reading. lacy prefer do 6 month review and if too many can put peace officer requirement on.

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

Gene Roumell, 19196 Gladwood Dr ?? regarding number of calls anytime police

respoonds to a call at commercial rpperty theey dont' usually use suitee numbers. torinos is in samee pparking lot hee also oowns. total number of call is for 2 year period between 2 places averages otu to less than 3 per monhth. one of safest places to go in evening to enjoy yourself. ttry to keep rifraff out and do right. Laacy any objection to do 6 mth revieww period dont' put burden. gene agreed. Hotchkiss concern its changed alot and revitalized whole shopping center.

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

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9691 in accordance with the Charter of the City of Midland with amendment to placee 6-month staff review period; seconded by Council Member Robnett.

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

27. Hold a public hearing and consider an ordinance on a request by Goodwill Industries for a zone change from a PD, Planned District for a Shopping Center ,to an Amended PD, Planned District for a Shopping Center, on Lot 1-A, 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. 9692

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1-A, 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 AMENDED PLANNED 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 Karla Mata read the caption of Ordinance No. 9692.

Delopmeent Services Director Chuck Harrington gave a brief ooverview of the item noting Big-5, chelsea Rae reetail. Good Will industries interested in second retail business good want ot expaand. They evaluaated current located and found no concern. Under zoning category several conditions amongst most important iitem C restricts no outsidee storage of materiaals. That is always concern. Lacy what about drop off. Chuck they take directly iin store. Chuck tha tis their responsibility to keep controlleddd. If this was just shopping only reason coming forward is pd. chuck underlyingg is lr1 this is econd hand store to amend pd. Lacy aany compliants in current locaiton. chuck none. Morales at noo time every any outside stooarge. yes. loading area are tthose 3 docks? chuck just vehicels to bring in materials. mayor any oothe rimprovements? Chuck just interior ask applicant. Lacy building footpring go tto alley. Lacy can require fence. Chcuk there is a full screen fence already.

Mayor Morales opened the public hearing at 11:02 a.m.

Kevin Retford 7110??? want to expand operations in Midland. We have great relationship with residents of city at current location. In next to school good relationship with business in neighborhood. Lacy if requirement made would be adverse to putting fence on east side? Kevin no objection. Mayor other site, Kevin inside wall spacing, outside purchase building already because thought fit current midland guidelines. hired landscaper working on irrigation trash on property has been cleared up and crew ensuring continues to be case. if someone drops off bid put signs out no night drop off but will immediately clean up. typically don't see it happen. donors have good cause in mind. hours m-s 9-7 sun 12-6. Mayor facade any change? Kevin bright orange is being turned to tan so building will be brown and tan. outside signage will be turned to tan as well to match. lighting and parking full review interesting parking ratio because original use. very few businesses fit ability but passed all of those for both lighting and parking. one lighting on side of building but being fixed if haven't been done already. no additional doors or driveways. side door for people drive in drive out. back doors for 16 foot box truck. when purchased how long vacant 3 additional purchases prior not able to move forward. Morales when clothes drop off have inside immediately. Kevin yes 8:30 a.m. clean no issues. can see trash cans soon and gated trash closure trash cans moved back into had room for construction work closer to area.

Justin Nolan 4103 Crestview, whole neighborhood opposed. urge City council to vote no on zoning proposal. 1 eyesore for neighborhood drop off unwanted furniture appliances at back of store - don't care if have camera sign or fence. location shared alley with house there is fence but only 6-10 feet but 200 foot opening. vast opening. ask council if house facing and had piling up would you vote for that. It will increase traffic cause safety to be jeopardized as children play in back yard. neighbors require 24 hour care. poor location to begin with next to furniture store and loop 250 opening and trying to drop off couches and trailers. Been here 30 years can think of other non residential locations to open store. current good will only 3.2 miles away. is it necessary when only 2 miles. other stores in close proximity. enough donation stores in general vicinity. good will stores have decreased residential property values. Did pay a lot of money for home and money to maintain and have not see decrease. Whole neighborhood against move all voted no couldn't be here due to timing. ask to consider when whole neighborhood asks. Lacy signed petition. Morales any letters? Chuck as of yesterday received no letters of objections. Lacy what examples of decreased? In what areas? didn't bring info with him.

Mayor any citations for good will? Steve not aware of any.

AMY Nolan, 4103 Crestwood Avenue, #7 on location map. can't see from pictures shows where fence is open to her garage from loop. Share an alleyway with location. going to take closest exit which is their alleyway. increased traffic, shared with Petsmart, increased foot traffic 2 young children 6 and 4. youngest son bedroom in backyard children play in backyard. trash unwanted items fill up dumpster. surprised within one year asked twice to change zone for location once for piano bar and now for this hope not approved. and future requests consider neighborhood so close to location and many children. most homes around 300,000 she spoke with neighbors sorry didn't get objections not one resident in support of this had copy of objection. urged to vote against. Dufford is that her alley. Robnett alley open to allow access. Lacy you purchased property adjacent to commercial property. Getting to point what would

find acceptable. bar and goodd will and neeithher good. gneeral storre would be fine any other kind of store. Robnettt how much truck traaffic took palce with chelsea raes. they have to go in alley. trucks loading and unlaoding. wsn't bothhersomme for their dellivery truck. Lacy breakwaya nd fence continuesMayor concern with eptsmart wwalking dogs. Amy wear badge. Dufford not screened off from house. Robnett is this only cutout in alley? indentation in property line it is a locaation thaat haverties uses to access the back of their building. Chuck applicant has no problem with closing the fence. Courtney will ahvee to look aand see. beest if deferred until next meeting or paprove now and look at second reading. Morales have neigghborhood meeting with Council and staff to visii with applicant and neighborhood. Robneet if can mitiigate concerns. come to resolution.

Kevin BradfordGood will appreciate cooncerns of Mr. and MRs. Noal wanting to ensure ssafe 6 children 2-14 loocated next to Target becaue that iss direciton of Targett becasue donors like to be in those locaitons. For these concerns would be wiling ot pput fence absolutely. if cooncern can open to have 2 exists and entrances that would hadd additional traffic to Crestview but iwling to do it. talking aobut back of building but city insstruced as passtru fence goes length of block. other then city required cut out is fence it tapers at end orm 6 to 5 foot rebuilding entire feence and can keep aat 6. Lacy dont' want to delay best to defer and talk to neighbors and alleviate public safety concerns. Appreciate what yoour organizaqiton does for community. Kevin spoke with p7z prior to purchahse only concern was parking operate under retail staarted in march closed June 1 iwht parking issues solve and found out june 6 now on 4 month wait to get to want to continue to move forward. do whatever it takes too be safe adn good citizen.

Justin Nolan 4103? crestwood all open to meeting. to proceed without taking into consideration.

There being no one else wishing to speak, the public hearing was closed at 11:26 a.m.

Robnett vote today would be benefit applicant.

Council Member Lacy moved to defer ; seconded by Council Member Robnett.

neighborhood meetiing soon.

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

28. Hold a public hearing and consider an ordinance for approval of a City-initiated Zone Change request from 1F-1, One-Family Dwelling District, in part, and 2F, Two-Family Dwelling District, in part, to O-1, Office District on Block 10, Sunset Acres, and Lot 1, Block 11, Sunset Acres, Section 6, City and County of Midland, Texas (Generally located northwest of the of West Golf Course Road Andrews Highway.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9693

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING BLOCK 10, SUNSET ACRES, AND LOT 1, BLOCK 11, SUNSET

ACRES, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, IN PART, AND 2F, TWO-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF WEST GOLF COURSE ROAD AND TARLETON 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 Karla Mata read the caption of Ordinance No. 9693.

Development Services Director Chuck Harrington applicant request to withdraw the application and revised scope to have less impact bring back with reduced scope. Lacy why not TLUP and renew every year.

Mary Avery 3511 Boyle Avenue, back fence backs to parking lot don't want carbon monoxide don't want noise don't want traffic bedroom faces that lot. all neighborhood against. The church never talked to neighborhood.

Applicant requested this item be withdrawn.

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

RESOLUTION NO. 2017 - 225

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

Development Services Director Chuck Harrington gave a brief overview of the request midland chamber of commerce energy plaza pavilion sat aug 12 6 p.m. if maintenance security guards one hour past event for added objection. no log rec approval.

Mayor Morales opened the public hearing at 11:32 a.m.

Rachel Stone 1902 N Pecos, small scale concern normally do mex tex out there this year mex tex rained out both day trying to recoup cost while did have insurance didn't get the funding. small concert 3 bands.

There being no one else wishing to speak, the public hearing was closed at 11:34 a.m.

Council Member Lacy moved to adopt Resolution No. 2017 - 225; seconded by Council Member Dufford.

The motion carried by the following vote: AYE: Hotchkiss, Morales, Dufford, Lacy.

NAY: None. ABSTAIN: None. ABSENT: Love, Sparks, Robnett.

MISCELLANEOUS

30. Approved a motion on request by West Company of Midland, LLC to defer wastewater and water improvements and sidewalk improvements for Moore Business Park, and to waive the corresponding financial security guarantee valued at \$106,177.00, an amount equal to the estimated cost of construction. The subject property is generally located approximately 3,600 feet west of South Tradewinds on the north side of West State Highway 80, approximately 2,825 feet outside the corporate limits of the City of Midland (as measured along South Highway 80), Midland County, Texas. (ENGINEERING SERVICES)

Jose Ortiz applicant reequested defer to future meeting explore other options.

Council Member Lacy moved to defer; seconded by Council Member Robnett.

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

31. Discuss a proposed bond election to be held in the City of Midland for street, waterworks, and sewer system improvements, including but not limited to: street, waterworks and sewer system projects; the aggregate principal amount of the bonds; and other matters incident and related to such proposed bond election. This is a discussion item only and no action will be taken.

Lacy appreciate feedback support ot move forward with bond of some capacity ask staaft ot put on aguust 15 mtg to call nov 7 roadd bond elejction 5 years 100 M.

Morales good feedback. lacy build up credibility small downpayment for com asset and need ot have budget allows to do long term planning. heaaring form community 5 year 100M beter appetite than 8 year 195M. Morales go to public and present new plaan. Lacy election already called for consstitution amendment tagging on that onne.

PUBLIC COMMENT

32. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting.(Please limit comments to three minutes or less.)

Sue Brannon 45001 Garden Lane thank City Council for doing something about roads. need it appreciate working with citizens. Ilike ot ask 2 quesitons. thiss council alloted mney when was mooneey that should of been street repairs stopped whoo way Mayor. Duffordd it never stopped. Lacy there just wan't as large an amount as now. Sue caan kickedd been down road for a long time feel like ppublic needs ot know where ball dropped. Lacy everything will be reeaased on website outline the trend increased cost along with popullation extreme climate changes and largeamount of big trucks on roadway and deteeriates roass. Sue think wisee rrepalcing sewer and wateer very necessary. Other quesiton how muyhc in reserve fund? Lacy right now around 41-42

M. can it be used for roads? Need ot keep seet amount for credit raating like to keep 35% of geneeral budget save for one time purchases for land or row not feasibe option. Feel like desperate time use if it could be. To keep then see credit ratiing decreasee put strain on salales tax revenue. Dufford can't be back and forth can taake comment please see Council.

Rj Pase, 2600 W Loop 250 N. applaud all for transparency work oon Kwel and J.Ross and Jerry come one thing said was that alot of distrusst in washington and feel leaks down. A lot agree and for this pecific thing with roads it is time to fully address. Hls persoonal hegoes to work to station in five year 100M bond out of 26 projects thiink abbout 4 will affect him. WWHile being constructed a pain at end of day need desperate need thank you for finally addressing what needs to be addressed.

adj 11:44 a.m.

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