

**MIDLAND CITY COUNCIL
MINUTES
August 22, 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 22, 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 22, 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

10:04 a.m.

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:

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 5 - 21 excluding 4, a, b, c, 12, 13, 16; 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 resolution approving the Fiscal Year 2017-2018 budget of the Midland Development Corporation. (FINANCE)

RESOLUTION NO. 2017 - 226

RESOLUTION APPROVING THE FISCAL YEAR 2017-2018 BUDGET OF THE MIDLAND DEVELOPMENT CORPORATION, A TYPE A CORPORATION AS AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE

6. Consider a resoution approving an agreement between the MDC and Midland College. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 227

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND MIDLAND COLLEGE, AS AUTHORIZED BY CHAPTERS 501 AND 504 OF THE TEXAS LOCAL GOVERNMENT CODE, AS AMENDED

7. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Petroleum Club Wastewater Rehabilitation Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 228

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE PETROLEUM CLUB WASTEWATER REHABILITATION PROJECT; SAID PROJECT WILL PROVIDE FOR THE REPLACEMENT OF THE WASTEWATER MAIN LOCATED IN THE ALLEY BETWEEN

MARIENFELD STREET AND PECOS STREET, FROM MISSOURI AVENUE TO TEXAS AVENUE

8. Approved a resolution rejecting all bids received and authorizing re-advertisement for bids for Janitorial Services for City buildings for the Facilities Services Division. (PURCHASING)

RESOLUTION NO. 2017 - 229

RESOLUTION REJECTING ALL BIDS RECEIVED FOR A JANITORIAL SERVICES CONTRACT FOR CITY BUILDINGS; AND AUTHORIZING THE CITY MANAGER TO RE-ADVERTISE FOR COMPETITIVE BIDS FOR SAID PROJECT

9. Approved a resolution awarding a contract for crane and hoist repair for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 230

RESOLUTION AWARDING A CONTRACT FOR CRANE AND HOIST INSPECTION AND REPAIR SERVICES FOR THE UTILITIES DEPARTMENT TO THE SOLE BIDDER, EVANS ENTERPRISES, INC., OF WICHITA FALLS, TEXAS, AT A TOTAL COST NOT TO EXCEED \$150,000.00

10. Approved a resolution approving the sole source purchase of fire rated water meters for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 231

RESOLUTION APPROVING THE SOLE SOURCE PURCHASE OF FORTY (40) NEPTUNE FIRE-RATED WATER METERS FOR THE UTILITIES DEPARTMENT FROM HD SUPPLY WATERWORKS, LTD., AT A TOTAL COST OF \$328,814.60

11. Approved a resolution approving an amendment to HDR's WPCP Final Design Review agreement (Resolution 2016-311) for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 232

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., FOR FINAL DESIGN REVIEW SERVICES REGARDING PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF SECONDARY IMPROVEMENTS AT THE WATER POLLUTION CONTROL PLANT; SAID AMENDMENT WILL AUTHORIZE A FEE INCREASE OF \$60,000.00 AND AN EXTENSION OF THE AGREEMENT TERM UNTIL DECEMBER 31, 2017; AND APPROPRIATING FUNDS THEREFOR

14. Approved a resolution authorizing the execution of the 2017 Airsho Agreement between The City of Midland, Texas and the Commemorative Air Force (CAF). (AIRPORTS)

RESOLUTION NO. 2017 - 235

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COMMEMORATIVE AIR FORCE, INC., FOR THE STAGING OF AN AIRSHOW AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; THE AIRSHOW WILL COMMENCE FRIDAY, SEPTEMBER 15, 2017, AND CONCLUDE SUNDAY, SEPTEMBER 17, 2017

15. Approved a resolution authorizing the transfer of \$20,000.00 {700218-060} 2016, contingency to OHAP Minor account, {700216-060} 2016 CDBG line item for the express purpose of fulfilling the obligated expenses of the OHAP minor repair program. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 236

RESOLUTION AUTHORIZING AND APPROVING A REDUCTION OF THE AUTHORIZED BUDGET FOR THE CDBG 2016 CONTINGENCY PROJECT BY \$20,000.00, AN INCREASE OF THE AUTHORIZED BUDGET FOR THE MINOR REPAIR PROGRAM PROJECT BY \$20,000.00, AND THE TRANSFER OF FUNDS TO EFFECT THE SAME

17. Approved a motion on a request by Maverick Engineering for approval of a Preliminary Plat for Young 2nd Addition, being a plat 99.52-acre tract of land out of Section 16, Block 39, T-2-S, T & P RR Co. Survey, Midland County, Texas. (Generally located on the east side of South County Road 1210, approximately 390 feet north of West County Road 130. ETJ, Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)
18. Approved a resolution accepting a Utility Easement from Whitson Realty LP, located in lots 1, 2, 3, and 4, Block 1, Whitson Realty an addition to the City of Midland, for the purpose of constructing and maintaining a potable and wastewater line including any associated facilities; authorizing the execution of said Utility Easement; and ordering recordation by the City Secretary (City of Midland, Midland County (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 238

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.30-ACRE UTILITY EASEMENT LOCATED IN LOTS 1, 2, 3, AND 4, BLOCK 1, WHITSON REALTY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

19. Approved a resolution authorizing and executing a Surface Use Agreement between the City of Midland and CrownQuest Operating, LLC, said Surface Use Agreement is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing eight four (4) inch oil flow lines, and up to two twelve (12) inch gas gathering line(s), up to two eight (8) inch water gathering line(s), and up to two eight (8) inch oil gathering line(s), and other necessary related facilities; to have the right to ingress and egress at convenient points for such purpose; all facilities are located on City of Midland property, Section 4, Block 37, T-3-S, T&P R.R. Co., Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 239

RESOLUTION AUTHORIZING THE EXECUTION OF A SURFACE USE AGREEMENT BETWEEN THE CITY OF MIDLAND AND CROWNQUEST OPERATING, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 4, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

20. Approved a motion on request by Schumann Engineering Co., Inc. to defer water, wastewater, paving and sidewalk improvements for Kickers Addition, and to waive the corresponding financial security guarantee valued at \$391,472.38, an amount equal to the estimated cost of construction. The subject property is generally located

approximately 1,315 feet west of FM 1788 on the north side of West County Road 127, approximately 2,700 feet outside the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

21. Approved a resolution to apply for the FY2017 Justice Assistance Grant (JAG) Program. (POLICE)

RESOLUTION NO. 2017 - 240

RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO FILE A JOINT APPLICATION WITH MIDLAND COUNTY FOR FISCAL YEAR 2017 JUSTICE ASSISTANCE GRANT PROGRAM FUNDS TOTALING \$30,190.00, WITH THE CITY OF MIDLAND TO RECEIVE \$18,114.00 (60%) AND MIDLAND COUNTY TO RECEIVE \$12,076.00 (40%); AUTHORIZING THE EXECUTION OF AN AGREEMENT REGARDING THE DIVISION OF SAID GRANT FUNDS; AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS

4. Approved a motion approving the following minutes:

Council Member Robnett moved to approve Approved a motion approving the following minutes;; seconded by Council Member Hotchkiss.

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

Regular meeting of August 1, 2017.

Regular meeting of August 8, 2017.

Regular meeting of August 15, 2017.

12. Approved a resolution amending agreement 17002086 with HD Supply Waterworks Ltd for various Water Meters with encoders and all associated parts by increasing the agreement in the amount of \$2,000,000.00 for the purchase of additional water meters with encoders and parts for the Finance Department. (PURCHASING)

RESOLUTION NO. 2017 - 233

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE SOLE-SOURCE PURCHASE AGREEMENT WITH HD SUPPLY WATERWORKS, LTD., FOR NEPTUNE WATER METERS AND ASSOCIATED PARTS FOR THE CUSTOMER SERVICE DIVISION OF THE FINANCE DEPARTMENT; SAID AMENDMENT TO PROVIDE FOR A TOTAL COST NOT TO EXCEED \$2,500,000.00

Love when implement what type of saving anticipate going to automated meter reading? Pam see savings about 5% on increase in water meter revenue and helps customer service to have 96 days specific data hour by hour when dealing with customers determine leak. 5 years out don't know total savings. Hotchkiss benefit of meters had a large group unhappy withh water bill figured they had problems with elaks Tony fabulous wonderful pr for City. Pam this will allow to buy more meters and get more ing round more quickly. Tony Goyang it allows to determine usage issues now deteermines what itme ofday issues are occurring.

Council Member Love moved to adopt Resolution No. 2017 - 233; 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.

13. Approved a resolution authorizing the Mayor, City Manager and City Attorney to execute Federal Aviation Grant #57 from the Federal Aviation Administration (FAA) upon receipt. (AIRPORTS)

RESOLUTION NO. 2017 - 234

RESOLUTION AUTHORIZING THE MAYOR, CITY MANAGER, AND CITY ATTORNEY TO ACCEPT AND EXECUTE FEDERAL AVIATION ADMINISTRATION ("FAA") GRANT NUMBER 57 IN THE AMOUNT OF \$10,234,368.00 UPON RECEIPT FROM THE FAA; SAID GRANT WILL FUND NINETY PERCENT (90%) OF CERTAIN PORTIONS OF FAA-ELIGIBLE PROJECTS AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID GRANT FUNDS ARE TO BE DEPOSITED IN THE AIRPORT FUND UPON RECEIPT

Love \$ spent from general fund is reimbursed? Justine don't use any GF airport \$ reimbursed to airport fund.

Council Member Lacy moved to adopt Resolution No. 2017 - 234; seconded by Council Member Dufford.

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

16. Approved a resolution supporting the candidacy of Council Member John B. Love III for the position of President-Elect of the Texas Municipal League. (CITY ATTORNEY'S OFFICE)

Hotchkiss pulled to recognize proud in position to rep city at state level of tml and kudos to him he's worked hard hope he wins. Love do it all for Midland.

Council Member Hotchkiss moved to adopt Resolution No. 2017 - 237; seconded by Council Member Lacy.

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

SECOND READINGS

22. Consider an ordinance on second reading 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) (First reading held on August 8, 2017)

ORDINANCE NO. 2017 - 237

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 SueAnn Lopez read the caption of Ordinance No. 9687.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9687 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

23. Consider an ordinance on second reading 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) (First reading held on August 8, 2017)

ORDINANCE NO. 9687

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 SueAnn Lopez read the caption of Ordinance No. 9688.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9688 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.

24. Consider an ordinance on second reading 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) (First

reading held on August 8, 2017)

ORDINANCE NO. 9688

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 SueAnn Lopez read the caption of Ordinance No. 9690.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9690 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

25. Consider an ordinance on second reading 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) (First reading held on August 8, 2017)

ORDINANCE NO. 9690

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 SueAnn Lopez read the caption of Ordinance No. 9691.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9691 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

PUBLIC HEARINGS

26. Hold a public hearing regarding a proposal establishing the ad valorem tax rate of \$0.408389 per \$100 taxable assessed valuation for Fiscal Year 2017-2018. This is a public hearing only. (FINANCE)

Finance Director Pam Simecka reported purp is to gain input for .408389 per \$100 assessed valuation for FY 17/18

Mayor Morales opened the public hearing at 10:17 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Mayor noted 6 p.m. hearing

27. Hold a public hearing and consider an ordinance on a request by Natural Gas Services Group, Inc. for a Zone Change from LR-2, Local Retail District, to O-2, Office District on Lot 3, Block 14, Claydesta Plaza, Section 13, City and County of Midland, Texas. (Generally located north of Veterans Airpark Lane, approximately 575-feet west of North Big Spring Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9691

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 3, BLOCK 14, CLAYDESTA PLAZA, SECTION 13, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF VETERANS AIRPARK LANE, APPROXIMATELY 575 FEET WEST OF NORTH BIG SPRING 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. 9695.

Development Services Director Chuck Harrington gave a brief overview of the item noting constructed 3-story office building. Ir2 doesn't allow taller than 2.5 stories. asking to go to o-2 to accomodate 3 story. staff reviewed and beent hrough p7z no loj. however ask have not had any filing or approval by faa ask council to hold action until get approval by faa due to height restrictions.

Mayor Morales opened the public hearing at 10:19 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Hotchkiss moved to defer until FAA approval comes; 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.

28. Hold a public hearing and consider an ordinance on a request by John K. Sanderlin for a Zone Change from LR-2, Local Retail District, to LI, Light Industrial District on a 10-acre tract of land , Block 41, Section 37, T-1-S, T&P, RR Co. Survey, City and County of Midland, (Generally located at the northeast intersection of State Highway 191 and Candice Road). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9695

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 10.07-ACRE TRACT OF LAND OUT OF SECTION 37, BLOCK 41, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN LI, LIGHT INDUSTRIAL DISTRICT (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF STATE HIGHWAY 191 AND CANDICE ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9696.

Development Services Director Chuck Harrington gave a brief overview of the item noting industrial property and developed as such. annexed as Ir2. applicaant wishing to expand property and now have alz4 which restricts uses alz impacts can't have retail uses where high concentration of people. PProperty been reveiwd by all depts. only issue is vehicle barrier required along 191 frontage. no comments or loj and rec approval of change.

Mayor existing facility and frontage on 191 what is exterior of building? anytime facilitais coming back are we getting look on 191. Chuck yes alredy discussed relative ot landscpaing and looks Love when we ahve items like this for existing structure helpful to have pictures. Comments are regarding overlay and impact to retail. Mpa did corridor study along 191 about 2 years ago. corridor study suggested it be retail with potential backage roads. Ir2 already there not against item but that ocrridor study done and suggested frontage along 191 be retail. May want ot make sure that we look after this are better so dont' hav metal building all along 191. Chuck aoz4 impacts so mcuh and having to deal with on case by case basis. Love retail is allowed it just dependss ond ensity and population. Lacy utpb that ocrridor is protected because of high populaition of students.

Mayor Morales opened the public hearing at 10:25 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. 9696 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

29. Hold a public hearing and consider an ordinance on a request by Pristine Organic Cleaners for a zone change from PD, Planned District for a Shopping Center to an

Amended Planned District, on Lots 6-B and 6-C, Block 2, Westridge Park Addition, Section 24, City and County of Midland, Texas. (Generally located on the west side of North Loop 250 West, approximately 290-feet north of Deauville Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9696

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 6B AND 6C, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 24, 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 WEST SIDE OF NORTH LOOP 250 WEST, APPROXIMATELY 290 FEET NORTH OF 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 SueAnn Lopez read the caption of Ordinance No. 9697.

Development Services Director Chuck Harrington gave a brief overview of the item noting access for drivethru for building one for a cleaners. changes are minor in nature all other aspects remain sign. will not conflict with site access and parking. staff reviewed no objection. no loj. rec approval. Love Chik-fil-a will this cause any problems in area. sw quad of interchange and this part driveway back away. Mike. Lacy met with applicant award with dry cleaning contract for Midland needs to expand to accomodate contract.

Mayor Morales opened the public hearing at 10:28 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. 9697 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

30. Hold a public hearing and consider an ordinance on a request by Graciela Magana dba Dos Soles Mexican Restaurant, for a Specific Use Permit with Term for sale of all alcohol beverages, for on-premises consumption, in a restaurant, on Lots 20, 21, and 22, Block 26, Crestview Heights Addition, City and County of Midland, Texas. (Generally located southeast of the intersection of North Midkiff Road and West Illinois Street). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9697

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS 20, 21, AND 22, BLOCK 26, CRESTVIEW HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND WEST ILLINOIS AVENUE), WHICH IS PRESENTLY ZONED LR-1, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC

USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9698.

Development Services Director Chuck Harrington gave a brief overview of the item noting Midkiff/Illinois never had alcoholic beverages and want to serve in restaurant. no church or schools within 300 feet. There is preschool 600 feet away church 618 feet away. Staff reviewed all depts signed off, occupancy load limited to 82 services area 1218 contig sq ft. Sparks asking 10-10 every day? chuck yes

Mayor Morales opened the public hearing at 10:31 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. 9698 in accordance with the Charter of the City of Midland with amendment to change alcohol services hours on Sunday from 11:00 a.m. to 10:00 p.m.; 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. Hold a public hearing and consider a resolution on a request by Doug Vanzandt for approval of a temporary land use permit for a memorial event on a 15,570 square foot portion of Block 64 and a 0.56-acre portion of West Wall Street right-of-way, located adjacent to Lots 12 and 13 through 15, Block 56, and Block 64; all out of Original Town Addition; City and County of Midland, Texas. (Generally located southeast of the intersection of North Big Spring Street and West Wall Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 9698

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A MEMORIAL EVENT ON A 15,570-SQUARE FOOT PORTION OF BLOCK 64 AND A 0.56-ACRE PORTION OF WEST WALL STREET RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 56 AND 64, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST WALL STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting event for 9/11 memorial propos days sat 6-10 sun 8-12 and mon 8-10. close portion of wall street consist of fund raising concert and memorial stair climbing and flag raising on monday. orig asked to close street on thur however eng and trans only close 7 p.m. fri to mon which should leave enough time to complete setup and equipment. no loj. Love open 5 a.m. mondy. chuck still event but not close street for monday event.

Mayor Morales opened the public hearing at 10:34 a.m.

Eric Stewart, 6812 ECR 97, here to support. started as 9/11 stairclimb turned into great event. hilton on board wilco building supports. closure is for concert. monday ceremony is in b of a plaza. sat is open to public and sunday morning more somber for first responders. a vail to answer questions.

There being no one else wishing to speak, the public hearing was closed at 10:35 a.m.

Council Member Love moved to adopt Resolution No. 2017 - 241; 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.

32. At approximately 6:00 p.m. hold a public hearing regarding a proposal establishing the ad valorem tax rate of \$0.408389 per \$100 taxable assessed valuation for Fiscal Year 2017-2018. This is a public hearing only. (FINANCE)

hold tonight at 6 p.m.

MISCELLANEOUS

33. Approved a motion appealing the Building Official's denial of a sign permit application by Steve Findley on Lot 2B, Block 1, Mustang Industrial Park, Section 3, City and County of Midland, Texas. (Generally located at the northwest intersection of W I-20 and Market Street. Council District 2) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of item install 602 sq ft elec msg center with ht of 42.5 ft. number of issues is max ht along int 20 is 40 and max signage for is 20 of total signage avail for prop or 7???10:37. equivalent size of electronic billboard. Massive sign is for 672 sq ft 70 sq ft less than full size billboard. other problem is fact that can't have billboard advertise on premises advertising. those are 3 issues. staff finds no credible reasons no hardship this req significant deviation impact future devel and rec denial. Love if applicant put half of lot in different company eligible for billboard? yes love and has to meet distance between billboards.

Justin Findley, 1816 Caroline Street, Alice TX here in place of Steve Findley. company found in diversified energy company offices all over in most oil bearing regions. requesting variance to build sign on privately owned acreage. significant investment for this company this will be their starship office moving from Odessa to midland. have 40-60 people rotating from other offices. build a wonderful facility in pecos where housing most of them and fully plan to build flagship office in Midland and move all personnel over. request because of acreage where located. been permitted to build much smaller sign would be ineffective people driving along I-20 otherwise not worth it. As private land owner not advertising for anybody else just for fesco advertising their own company and hiring opportunities. like to grow through west texas into mexico. sign will be safe and 8 second delays not flashy just something represents company and fitting for location. Plenty of billboards around that are that size. happy to help with city and amber alerts and community events. request for variance for sign proud to be in Midland. Love because of conditions in Odessa. Justin significant water issues effect

ability to turn around equipment and get in from pride on cleanest equipment and vehicles. Already bought land in Midland. Paused because of economic conditions but plan to move forward. Love this is for his companies purposes but for marketing or informational? Justin both serves, hiring opportunities and marketing. Love indicated 75-80 miles per hour to lower speed to 65. Lacy than you for moving to Midland. Any compromise on 600 sq ft know 65 is not big enough. this is basically a billboard. compromise or is this. Justin willing to come down a little but not a lot because of sign for that quality costs money current economic conditions. Robnett what is on property now? Justin native land, brush dirt and as of last week thinks plans were approved. Begin infrastructure. Robnett Robnett investment for location. Justin land \$1 m infrastructure about 8.5 M. Morales reinvented billboard business and challenging working and address where allow it was not fun and not easy and what came out do not want sign trash on highways or in street. Only concern is if allow and then every future company will request that size and back to square one and didn't allow for other companies. Hotchkiss have an ordinance for a reason and it is for uniformity and then will have to go back through. if open up will go through that again. Morales his vote is not for his company but what went through and preparing for future. Robnett more designated for city limits and more of industrial area. Morales where we are growing. Lacy would it confirm to txdot? Chuck yes it would in terms of size because it would be a billboard size however when asked about the spacing not room to put a billboard. Love there is a billboard within that location 1500 feet? chuck yes. Morales will have signage on building? Justin one sign small sign. Robnett need to be careful if allow variance don't want to allow arbitrary reduction and his position at this point in time. If this is denied what are options will have to wait. John no wait no zoning matter. Lacy this company is investing almost \$10 M. Huge investment. Reason flooded with billboard His primary focus is inside loop. Hotchkiss willing to give variances to people who are willing to spend large amounts of area. Lacy given variances. Lacy open to defer to work to see if there is a solution. Very common for what is on I-20 nothing specifically not back to back not stick out and truly believe for acreage and investment fitting for investment making and will roll right in with structures plan to build. Morales love to visit and better understand and see how many other business fit in that area. Dufford everybody could end up with that size. Robnett what size allowed? Chuck 400. Robnett 200 feet difference. Ordinance restricts on electronic message centers restricts to 20% original intent is strip message centers to read out. they are asking something different. Morales this council charged with a lot of responsibility on growth and in that position again just take time to understand. Catch up this week and see if can come up with compromise that would help.

Mike Alberts owned Cacus?? want to make clarification on his part about a billboard and led sign. there is a physical different billboard cannot do animation graphics for video. This is a consumer sign billboard is 3rd party selling so shouldn't fall under billboard because large.

Council Member Robnett moved to defer; 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.

PUBLIC COMMENT

34. 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.)

Andre SMith 4509 Woodhollow Drive 79707. Wanted tOriole borders greathouse. A lot of problems with speeding down Orile Drive and get there may be traffic emasures installed to slow traffic down. big problem is when children from Briarwood walk across to Greathouse you also have invested \$ into park across street right by big draainage retentnion ond very nicee park. school start next week worried about kdis going across that street also going to be new developmetn in Greathoouse north of where currently ends and mroe traffic funneling onto Oriole Drive. Right now, oriole goes from County Road and expands out and when expands out they think its a free for all and start barreling down raod. There are a lot of potential changes that can occur with monies used for traffic and road improvement and wanted to speak on behalf of residents in that neighborhood for kids. Traffic slowing measure to help out.

no others citizen present wihsing to speak.

EXECUTIVE SESSION

35. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:

a. Section §551.087 Deliberate Economic Development Negotiations

a.1. Discuss business prospects that the City seeks to have, locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

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

PASSED AND APPROVED the __ day of ____, 2017.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary