MIDLAND CITY COUNCIL
MINUTES
September 26, 2017

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ___ a.m. on September 26, 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., September 26, 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

10:01 a.m.

1. Invocation - Pastor Robert Pase, Grace Lutheran Church

2. Pledge of Allegiance

PRESENTATIONS

Mayor presented a

and Sharla A

Mayor pink the basin announced 10/5 Samantha Harris dancing with the stars as guest speaker for lucnheon. Clay shoot fri 10/13 breast cancer clay shoot sixth year raised over .5 M iinc 2012 as non profit given over $1M to area hospitals for mamograms.

B. Alzheimer/dimenia group Maorr presented

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

   a. Presentation of a Proclamation to Uptown Midland Business & Professional Women for National Business Women's Week

   b. Presentation of Proclamation to Alzheimer's Association for Dementia Friendly Midland

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 4 - 30 excluding 16, 18, 22; 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.

4. Approved a motion approving the following minutes:

   a. Regular City Council meeting of September 12, 2017.

5. Approved a resolution awarding an agreement for a Technology Strategic Plan with Berry Dunn McNeil & Parker, LLC dba Berry Dunn through the Department of Information Resources (DIR) Contract Number DIR-TSO-3956 for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2017 - 270

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BERRY DUNN MCNEIL & PARKER, LLC, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES, FOR THE PURCHASE OF CONSULTING SERVICES TO DEVELOP A TECHNOLOGY STRATEGIC PLAN FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT AT A TOTAL COST NOT TO EXCEED $49,780.00; AND AUTHORIZING PAYMENT THEREFOR

6. Approved a resolution rejecting the sole bid received for the Petroleum Club Wastewater Rehabilitation Project and authorizing re-advertisement for bids for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 271

RESOLUTION REJECTING THE SOLE BID RECEIVED FOR THE PETROLEUM CLUB WASTEWATER REHABILITATION PROJECT; AND AUTHORIZING THE CITY MANAGER TO RE-ADVERTISE FOR COMPETITIVE BIDS FOR SAID PROJECT

7. Approved a resolution awarding an agreement for parks and recreation reservation software for the Communication and Information Services Department; and allocating funds therefore. (PURCHASING)

RESOLUTION NO. 2017 - 272

RESOLUTION AWARDING A CONTRACT FOR PARKS AND RECREATION RESERVATION AND MAINTENANCE SOFTWARE TO VERMONT SYSTEMS, INC. OF ESSEX JUNCTION, VERMONT, AT A TOTAL COST NOT TO EXCEED $73,463.00; ALLOCATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

8. Approved a resolution awarding a contract for Janitorial Services for City buildings for the General Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 273

RESOLUTION AWARDING A CONTRACT FOR JANITORIAL SERVICES FOR CITY BUILDINGS TO ABM TEXAS GENERAL SERVICES, INC., IN THE AMOUNT OF $371,991.12

9. Approved a resolution approving the purchase of an estimated annual supply of 650,000 pounds and 40 - 150 pound cylinders of chlorine; 2,000 tons of aluminum sulfate; 20,000 gallons of liquid ammonium sulfate; 20,000 gallons of polymer; 4,400 gallons of polymer for dewatering; 200,000 pounds of liquid anhydrous ammonia; 25 tons of powdered activated carbon; 10,000 gallons of liquid copper sulfate 25%; 10,000 pounds of potassium permanganate and 75,000 pounds of sodium permanganate for the treatment of drinking water for Fiscal Year 2018 for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 274

RESOLUTION AUTHORIZING THE PURCHASE OF AN ESTIMATED ANNUAL SUPPLY OF CHEMICALS NEEDED FOR THE TREATMENT OF DRINKING WATER FOR FISCAL YEAR 2018 FROM MULTIPLE BIDDERS, FOR A TOTAL COST OF $1,464,349.40

10. Approved a resolution approving specifications and authorizing advertisement for bids for Spraberry Farm Labor Contracting Services for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 275

RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR SPRABERRY FARM LABOR CONTRACTING SERVICES FOR THE UTILITIES DEPARTMENT

11. Approved a resolution awarding a professional services agreement with HDR, Engineering, Inc. for the design of Midway Lift Station for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 276

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., FOR THE DESIGN OF THE NEW MIDWAY LIFT STATION IN AN AMOUNT NOT TO EXCEED $71,750.00

12. Approved a resolution awarding a contract for the Midland Draw Manhole Replacement Project to the sole bidder TEC Excavation, Inc. for a cost of $659,100.00 plus $164,775.00 in contingencies for a total project cost allowance of $823,875.00 for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 277

RESOLUTION AWARDING A CONTRACT FOR THE MIDLAND DRAW MANHOLE REHABILITATION PROJECT FOR THE UTILITIES DEPARTMENT TO THE SOLE BIDDER, TEC EXCAVATION, INC., OF MIDLAND, TEXAS, AT A TOTAL COST OF $659,100.00; AND APPROVING $164,775.00 FOR CONTINGENCIES

13. Approved a resolution authorizing the dissolution of the Permian Basin Airport Board. (AIRPORTS)

RESOLUTION NO. 2017 - 278

RESOLUTION APPROVING THE DISSOLUTION OF THE PERMIAN BASIN AIRPORT BOARD

14. 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 Midland Central Appraisal District, et al. v. U.L. Strambler, et al., in the 142nd Judicial District Court, Midland County, Texas, Cause No. TX15087. (CITY ATTORNEY'S OFFICE)

15. Approved a resolution approving a donation agreement with the Texas Department of Transportation for a Highway Safety Improvement Project to provide for the construction of main lanes and interchanges on system at the intersection of Loop 250 and Country Road 1150 in Midland County, Texas. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 279

RESOLUTION APPROVING A DONATION AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A HIGHWAY SAFETY IMPROVEMENT PROJECT TO

PROVIDE FOR THE CONSTRUCTION OF MAIN LANES AND INTERCHANGES ON SYSTEM AT THE INTERSECTION OF LOOP 250 AND COUNTY ROAD 1150 IN MIDLAND COUNTY, TEXAS

17. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Carver Street Crossing Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 280

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE CARVER STREET CROSSING PROJECT; SAID PROJECT WILL PROVIDE FOR DRAINAGE, SIDEWALK, PEDESTRIAN RAMP, AND ROAD IMPROVEMENTS IN THE AREA GENERALLY LOCATED ALONG MIDLAND DRAW, FROM SCHARBAUER DRIVE TO JACKSON STREET, AND ALONG CARVER STREET, FROM SCHARBAUER DRIVE TO LYNN AVENUE

19. Approved a resolution authorizing the Execution of an Economic Development Agreement and a Purchase and Sale Agreement Between The Midland Development Corporation and S.M.P. Flow Control, Inc. and Seaboard International, Inc. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 282

RESOLUTION APPROVING A PROMOTIONAL AGREEMENT WITH MOTRAN ALLIANCE, INC., TO ADVERTISE OR PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES

20. Approved a motion approving a contract with Midland Athletic Association in the amount of $20,000 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental (CITY SECRETARY'S OFFICE)

21. Approved a motion approving a contract with Midland College (Athletic Department) in the amount of $45,000 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

23. Approved a resolution authorizing the execution of a Professional Services Agreement between the City of Midland, Texas, and Midland Sports, Incorporated, in the amount of $98,000, for professional marketing, promotion, and management services at the Scharbauer Sports Complex. (COMMUNITY SERVICES)

RESOLUTION NO. 2017 - 284

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF MIDLAND, TEXAS, AND MIDLAND SPORTS, INCORPORATED, IN THE AMOUNT OF $98,000.00, FOR PROFESSIONAL MARKETING, PROMOTION, AND MANAGEMENT SERVICES AT THE SCHARBAUER SPORTS COMPLEX

24. Approved a resolution authorizing the execution of a Community Development Block Grant contract with Casa de Amigos for the Home Cleaning Program. (DEVELOPMENT

SERVICES)

RESOLUTION NO. 2017 - 285

RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH CASA DE AMIGOS FOR A HOME CLEANING PROGRAM IN THE AMOUNT OF $32,500.00; THE PURPOSE OF THIS PROGRAM IS TO PROVIDE HOME CLEANING SERVICES TO PROMOTE THE ENVIRONMENTAL AND PHYSICAL HEALTH OF SENIOR CITIZENS AND INDIVIDUALS WITH DISABILITIES; THE PROGRAM WILL BEGIN ON OCTOBER 1, 2017, AND END ON SEPTEMBER 30, 2018

25. Approved a resolution authorizing the execution of a Community Development Block Grant contract with Senior Link Midland for the senior Nutrition Program. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 286

RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH SENIOR LINK MIDLAND, FOR THE SOUTHEAST SENIOR CENTER AND CASA DE AMIGOS NUTRITION PROGRAMS IN THE AMOUNT OF $66,500.00; THE PROGRAM WILL BE PROVIDED DAILY IN COORDINATION WITH OTHER ACTIVITIES; THE PURPOSE OF THIS PROGRAM IS TO PROMOTE BETTER MENTAL AND PHYSICAL HEALTH FOR SENIORS THROUGH NUTRITIOUS MEALS AND SOCIALIZATION; THE PROGRAM WILL BEGIN ON OCTOBER 1, 2017, AND END ON SEPTEMBER 30, 2018

26. Approved a resolution authorizing the execution of a Community Development Block Grant contract with Mission Health Care, Inc. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 287

RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH MISSION HEALTH CARE, INCORPORATED, IN THE AMOUNT OF $15,000.00; THE PURPOSE OF THIS PROGRAM IS TO PROVIDE DELIVERED EVENING MEALS TO SENIOR CITIZENS AND INDIVIDUALS WITH DISABILITIES; THE PROGRAM WILL BEGIN ON OCTOBER 1, 2017, AND END ON SEPTEMBER 30, 2018

27. Approved a resolution authorizing funding for real property interest along Briarwood Avenue from the intersection of State Highway (SH) 158 to a point 200 feet east of the intersection of Avalon Drive. This authorization provides funding for actions approved with Resolution 2017-202. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 288

RESOLUTION APPROPRIATING $200,000.00 FROM THE GENERAL FUND (001) UNAPPROPRIATED FUND BALANCE (35650) AND TRANSFERRING SAID FUNDS TO THE BRIARWOOD PHASE II PROJECT (800976)

28. Approved a resolution approving the budget of the Midland Emergency Communication District for the Fiscal Year ending September 30, 2018. (POLICE)

RESOLUTION NO. 2017 - 289

RESOLUTION APPROVING THE BUDGET OF THE MIDLAND EMERGENCY COMMUNICATION DISTRICT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017

29. Approved a resolution to accept the modification to the FY2017 grant award in the amount of $13,999 from the Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program and appropriate funds. (POLICE)

RESOLUTION NO. 2017 - 290
RESOLUTION ACCEPTING A MODIFICATION TO THE FISCAL YEAR 2017 GRANT AWARD FROM THE SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM IN THE AMOUNT OF $13,999.00; THESE FUNDS WILL BE DIRECTED TO THE FISCAL YEAR 2017 HIGH INTENSITY DRUG TRAFFICKING AREAS GRANT PROJECT 700224-005; AND APPROPRIATING FUNDS

30. Approved a resolution authorizing the execution of a lease agreement between the City of Midland and Midland Office II Acquisition, LP (POLICE)

RESOLUTION NO. 2017 - 291
RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY OF MIDLAND AND MIDLAND OFFICE II ACQUISITION, LP

16. Consider an agreement with the City of Midland regarding all improvements to the intersection of Carver Street and Scharbauer Drive including but not limited to drainage, sidewalks, handicapped ramps, road improvements and utilities. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 292
RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE CITY OF MIDLAND FOR IMPROVEMENTS TO THE INTERSECTION OF CARVER STREET AND SCHARBAUER DRIVE, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

Love pulled make motion and to thank jose aand staff and keith stretcher brent hiliard mdc for hard work.

Council Member Love moved to adopt Resolution No. 2017 - 281; seconded by Council Member Sparks.

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

18. Consider a resolution on a promotional agreement with the Midland Tennis Center DBA Bush Tennis Center for funding for the Chris Davidson Opportunity Park (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 281
RESOLUTION APPROVING A PROMOTIONAL AGREEMENT BETWEEN THE

MIDLAND DEVELOPMENT CORPORATION AND MIDLAND TENNIS CENTER DBA BUSH TENNIS CENTER, TO ADVERTISE OR PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES

Love for exact same reason work with mR. DAVISODN finally able to maek mpark come to fruition. god bless chris and family. Steve Davidson long itme resdient of Midland resides otuside ft wworth. this aciton by mdc has cuased to walk much lighter but having said would not have wasnted ot understake capital campaig to rebuild opporutnity pakr. will be apalce whre alzheimer families can go and get some reflief. this will be close to his wife and his to maintain chris's legacy. Jan is one who is way for davidson family to givee back to midland a community gracious tothem.

Council Member Love moved to adopt Resolution No. 2017 - 283; seconded by Council Member Lacy.

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

22. Approved a motion approving a contract with Midland County Fair in the amount of $50,000 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Lacy pulled curious why funding alot ment was doubled and how much does countyh participate ein hotel/motel funds however see a lot of county organization. Amy County only uses their hotel/motel for horsesshoe. last year $25,000. lacy wanted to know if county wants to participate.

Council Member Lacy moved to approve Approved a motion approving a contract with Midland County Fair in the amount of $50,000 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental).; 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.

SECOND READINGS

31. Consider an ordinance on second reading for approval of a City-initiated Zone Change from 1F-1, One-Family Dwelling District, to O-1, Office District, to allow Food Trucks on Block 10, Sunset Acres, City and County of Midland, Texas. (Generally located northwest of the West Golf Course Road Andrews Highway. Council District 3) (DEVELOPMENT SERVICES)

ORDINANCE NO. 2017 - 283

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, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, 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 SueAnn Lopez read the caption of Ordinance No. 9701.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9701 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.

32. Consider an ordinance on second reading altering prima facie speed limits along certain streets in the city; authorizing installation of appropriate signs and markings; repealing Ordinance No. 9623; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars ($200.00); and ordering publication. (ENGINEERING SERVICES)

ORDINANCE NO. 9701

AN ORDINANCE ALTERING PRIMA FACIE SPEED LIMITS ALONG CERTAIN STREETS IN THE CITY; AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 9623; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS ($200.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9702.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9702 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.

33. Consider an ordinance on second reading 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,to allow a Goodwill Industries Store on Lot 1-A, Block 6, Crestgate Addition, Section 28, City and County of Midland, Texas. (Generally located northwest of the intersection of W. Loop 250 N. and Crestfield Street. Council District 1) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9702

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 SueAnn Lopez read the caption of Ordinance No. 9703.

Council Member Love moved to approve the second and final reading of Ordinance No. 9703 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Justin Nolan here to give clarificaitoon on type of fence. goodwill propsoed compelte brick fence be bbuilt now it seems at 11th hour chanes made and curious as ot why that is. Suggested wood brick combinaatioon if have wood and odn't maintain it iwll corrode. Ask that Goodwill Industry do what they said they would do. if in amendment why amendmentcan't be changed to reflect what they said they would do. To change aat 11th hour. Love it wasn't agreemnt it was discussion. this councill said undue burden aand elt not necessary. Johnb yw ay of clarificaiton there was discussiona bout fence anad mateirals that would be used and also discussed that site plan would ahve to come back to council and make determinations at that time. ord today simply requires 8 foot fence is required but naturee will be at future meeting with amendment ot pd. Justine that is whatt he is told and asked goodwilll do what they siad in beginning. Sparks it wass not changed aat last minute and there was at least one neighbor that said eh didn't care. you have neighborhood that says i don't llike goodwill rest of neighborhood fhas wood fences but expect ogodwill do better job of maintaining theeirs. a brick fence 8 foot tlal will look out of palce in neighborhood. better look for wood fence speccially 8 foot tall. want aesthetically pleaseing. Goodwill didn't changee they did.

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

PUBLIC HEARINGS

34. Hold a public hearing and consider an ordinance on a request by Stonehawk Capital Partners, LLC. for a zone change from PD, Planned District for a Housing Development, to an Amended Planned District on Lot 1A, Block 6, Pavilion Park, Section 10, City and County of Midland, Texas. (Generally located southeast of the intersection of Mockingbird Lane and Stonebridge Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9703

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 6, PAVILION PARK, SECTION 10, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF MOCKINGBIRD LANE AND STONEBRIDGE DRIVE); 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

Mayor Morales read the caption of Ordinance No. 9704.

Development Services Director Chuck Harrington gave a brief overview of the item noting wihsing to amend existing palnned district in devleoping for apts previous approved wanat to add more ammenities, mprove fire lane access and change clubhouse and po footprinnt. improve parking move cclubhouse 12 feeet to ssouth to acocomodate putting green. been reviewed by all depts recommend approval. receive objections calcuation 10% of total land arrea simple majority. Lacy regardingless compelx is already zoned andd approved these are just some changes.

Mayor Morales opened the public hearing at 10:37 a.m.

Stevi Madison 5601 Gallop Ct. person broughtt in all objections. nobody wants apts nneext to house realize issues live closse by . when got letter up iina arms need apts realize going to go up. issue is most with trafffic. Iff bbuild really nice apts with lots of pepel andmockingbird horrible atrocity at moment. all of 349 coming through can't get out of street. Asked if work on n road and help with traffic because been extremely dangerous. Lacy plans to put signal in May of next yyear letting out. also planning ot extend mockingbird.

There being no one else wishing to speak, the public hearing was closed at 10:40 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9704 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

35. Hold a public hearing and consider a resolution on a request by MODE Communications for approval of a Temporary Land Use Permit for a Festival on a 15,185 square foot portion of Block 64, Original Tow2017 - 293n 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. 9704

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FESTIVAL ON A 15,185-SQUARE FOOT PORTION OF BLOCK 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 Harrrington gave a brief overview of the item notiing Mode communications second annual octoberfest at b of a plaza. changes . the eveent will ahve min of 8 restroom 2 security guards aall times. food and beer tasting station beer aand polka. applicant is here requesting be amended by ccouncil to following week tto set up take down and have event. staff reveiwwed and recommend approval of event. Love all same except do one week later.

Mayor Morales opened the public hearing at 10:42 a.m.

kasie Vasechecck, filling in for Elizabeth here to answer any quesitons and thank for considering moving at last minutes.

There being no one else wishing to speak, the public hearing was closed at 10:43 a.m.

Council Member Lacy moved to adopt Resolution No. 2017 - 293 with amendment to change dates to October 3-6; 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.

MISCELLANEOUS

36. 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.

    *This item was deferred on 08/08's meeting. (ENGINEERING SERVICES)

    Jose Ortiz mis communication applicant not aware on agenda requested plac eon 10/10

    Council Member Lacy moved to defer to October 10; seconded by Council Member Sparks.

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

37. 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 West I-20 and Market Street). (DEVELOPMENT SERVICES)

    Development Services Director Chuck Harrington gave a brief overview of the item noting heard by Council in August to have 602 sq ft on premisee sign. staff rec denial of request isnteaad ssyaing restrict to 400 foot for int 20 and max height 40 ft. anywhere else iin city reestrictioonswould be 180 sq ft with 300 sq ft for total ssite. They are alreadyy aallowed on int 20 an additiona amount. there are revised plans but staff has not seen. staff would support making entire sign to be electronic siggn staff feels need to revise that portion of ord. staff objects to size and height. . Robnett if no addiitonal documentatitionw hy being heard?

    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.

38. Approved a motion directing staff to begin the annexation of a 0.82-acre tract of land and a 0.83-acre tract of land, located in Section 38, Block 40, T-1-S, T & P RR. Co. Survey, Midland County, Texas (Generally located on the west side of Arlington Road, approximately 1,900 feet south of State Highway 191). (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting D.R. Horton requested western portion of row be annexed. inadvertently left out of individual request. Eastern part already annexed. it iwll put whole row into city limits. asking council to move forward with anenxaation. it will reqquire special council emeting on oct 17.

Council Member Lacy moved to approve Approved a motion directing staff to begin the annexation of a 0.82-acre tract of land and a 0.83-acre tract of land, located in Section 38, Block 40, T-1-S, T & P RR. Co. Survey, Midland County, Texas (Generally located on the west side of Arlington Road, approximately 1,900 feet south of State Highway 191).; 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.

39. Discuss and consider possible acceptance of the dedication of approximately 4.9 acres of open space, identified as Common Area M, Block 12, Legacy Addition, Section 4 (Generally located northwest of the intersection of Commonwealth Road and Victory Parkway). (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting

Council Member Lacy moved to defer; 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.

40. Approved a motion making appointments to various boards and commissions.

Council Member Hotchkiss moved to appoint EMily English to Animal SErvices Advisory Commission; 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.

Council Member Sparks moved to appoint Court Atkins to 3-year ter to Oil & Gas Advisory Committee.; 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.

Hotchkiss if look at MOUTD names want to point out that Guy McKenzie retired from board and he had good service record and did attend meetiings.

PUBLIC COMMENT

David Bryant Perrkins , always on road homeless, refresh writing screepllay here to et going. A lot of pelpeasked to et film industry going. John if have item that know about if staaff hass slide show then need to post jsut like any other item. asked to send slide show. In short 3 things that need a film commission. right now on texas film ccommission Midland not lsited on there. Do thaat say you're a film friendly city woulld suggest not. Odessa is on that. So what happens is somebody from anotehr state and want ot film in west texas go to where they ahve listed first. Other thing to offer is besides writing screen play they go to flm festivals all over. Example met guy doing film at gi fillm festival guy amde film is one who prodduces the simpsons iff you invite him here thats his 9-5 job but went on his passion about film he made abou tbB-17. He will send pwoer point. Since made comment about filmn arre you satisfied with script. have basically Doug's hispanic friend and black basketball player. agree 100% as far as those kind of tings not being done. guy who staarted chris kashema in 1998 he is behidn a lot of oscar of not enoguh diveerssity. met him at film festival under the bloodd red sun an bring oscar winners.

Ramona Ball 504 S Calhoun, in wake of road bond election coming up soon. priviledged to attend meeting Thursday night and impressed and received good informaiton. Concern regarding rrods and streeet in s/e area she is native midlander. midland good place to live in and wnat to represent well. Have our flaws sliek anywehre else but want to say regarding s/e midland 800 bllock of Tilden/Clay St and Westin these are ssouth direction intersection street is California. Concern is in areas palced ADA accessibility but on back side of streeet cloverdale road construction going on these areas have curbs and gutters up into the alleys of these particular streets. residents on corners of streets have aptch of landd or side 150 feet that have been unpaved no curbs for many years. oone of residents has beent ehre for 55 eyears with nothing being done. if paving streets and putting in curbs all over town and asking for $100 M at what point can this little strip of land get fixed. want neighbors too know it iwll be fixed. what can be done? Iff askiing for $100 M in tax when will this be done?If can make a football fieeld of 300 feet why cana't we do this for this area. wants to know when.

meeting adjourn 11:09 a.m.

41. 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.)

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