

**MIDLAND CITY COUNCIL
MINUTES
October 11, 2016**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on October 11, 2016.

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

Council Members absent: None.

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

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at ____ a.m., October 11, 2016.

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

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

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:05

Tommy invocation

1. Invocation - Father David Galletly, Holy Trinity
2. Pledge of Allegiance

PRESENTATIONS

Mayor presented proclamation recognizing World Polio Day.

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

CONSENT AGENDA

4. Approved a motion approving the following minutes:

Council Member Love moved to approve Consent Agenda items 4 - 13 excluding ; 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.

- a. Regular meeting of September 27, 2016.

Council Member Love moved to approve Consent Agenda items 4 - 13 excluding ; 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.

5. Approved a resolution approving and authorizing changes to the City of Midland bank accounts. (FINANCE)

RESOLUTION NO. 2016 - 303
RESOLUTION AUTHORIZING A NEW SIGNATORY TO AND REMOVING A CERTAIN
SIGNATORY FROM CITY OF MIDLAND BANK ACCOUNTS

Council Member Love moved to approve Consent Agenda items 4 - 13 excluding ; 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.

6. Approved a resolution approving and authorizing changes to the City of Midland's Texpool Investment Accounts. (FINANCE)

RESOLUTION NO. 2016 - 304
RESOLUTION AMENDING THE AUTHORIZED REPRESENTATIVES OF THE CITY

OF MIDLAND, TEXAS, REGARDING INVESTMENTS OF PUBLIC FUNDS; ADDING MALA RAMKISSOON, TREASURY DIVISION HEAD, AS AN AUTHORIZED REPRESENTATIVE OF THE CITY OF MIDLAND ON THE TEXAS LOCAL GOVERNMENT INVESTMENT POOL, TEXPOOL/TEXPOOL PRIME; AND PAM SIMECKA AND SHELBY ZUNIGA SHALL BE AUTHORIZED REPRESENTATIVES OF THE CITY OF MIDLAND

Council Member Love moved to approve Consent Agenda items 4 - 13 excluding ; 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.

7. Approved a resolution approving the issuance of a request for qualifications for construction material testing services needed during the construction phase of city-wide capital improvement projects for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 305

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES TO ASSIST THE CITY WITH CONSTRUCTION MATERIALS TESTING AS NEEDED; AUTHORIZING THE CITY MANAGER TO NEGOTIATE PROFESSIONAL SERVICES AGREEMENTS FOR SAID SERVICES; PROVIDING THAT NO SUCH AGREEMENT SHALL BECOME EFFECTIVE UNTIL THE CITY COUNCIL APPROVES THE SELECTION OF A FIRM TO PROVIDE SAID SERVICES; AND PROVIDING THAT NO SUCH AGREEMENT EXCEEDING \$50,000.00 SHALL BECOME EFFECTIVE UNTIL THE CITY COUNCIL AUTHORIZES THE EXECUTION OF THE AGREEMENT

Council Member Love moved to approve Consent Agenda items 4 - 13 excluding ; 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.

8. Approved a resolution authorizing the execution of Amendment #3 to Parkhill, Smith & Cooper's Professional Services Agreement, and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2016 - 306

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER THREE TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INCORPORATED, FOR PROFESSIONAL ENGINEERING SERVICES AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID AMENDMENT TO INCLUDE THE FOLLOWING PROJECTS: DESIGN AND BID SERVICES FOR THE RUNWAY INCURSION MITIGATION (RIM) PROJECT, AND SPACEPORT BUSINESS PARK ENVIRONMENTAL ASSESSMENT (FORMERLY KNOWN AS THE MAF AEROSPACE DEVELOPMENT PARK PROGRAMMATIC ENVIRONMENTAL ASSESSMENT); AND APPROPRIATING NECESSARY FUNDS

Council Member Love moved to approve Consent Agenda items 4 - 13 excluding ; 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.

9. Approved a resolution for Second Amendment to Midland Memorial Hospital Agreement. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2016 - 307

RESOLUTION APPROVING A SECOND AMENDMENT TO THE REIMBURSABLE PHYSICIAN RECRUITMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE MIDLAND COUNTY HOSPITAL DISTRICT D/B/A MIDLAND MEMORIAL HOSPITAL

Council Member Love moved to approve Consent Agenda items 4 - 13 excluding ; 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.

10. Approved a motion approving a contract with Midland High Basketball Booster Club in the amount of \$12,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2016-2017 Budget. (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Love moved to approve Consent Agenda items 4 - 13 excluding ; 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.

11. Approved a motion on request by Schumann Engineering to defer public improvements for Ranchland Acres, Section 5, and to waive the corresponding financial security guarantee valued at \$267,589.73, an amount equal to the estimated cost of construction. The subject property is located at the northeast corner of the intersection of South County Road 1221 and West County Road 116, approximately 800 feet south of the City of Midland corporate limits in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (City of Midland ETJ, Midland County) (ENGINEERING SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 13 excluding ; 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.

12. Approved a motion on request by LCA to defer public improvements for Entrada Fellowship Addition, and to waive the corresponding financial security guarantee valued at \$250,263.00, an amount equal to the estimated cost of construction. The subject property is located at 10308 West Country Road 74. The property currently fronts West County Road 74 and North County Road 1279, approximately 250 feet outside the City of Midland corporate limits in the Extraterritorial Jurisdiction of the City of Midland, in

Midland County, Texas. (City of Midland ETJ, Midland County) (ENGINEERING SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 13 excluding ; 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 and executing a Right-of-Way License between the City of Midland and CrownQuest Operating, LLC., said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing multiple oil and gas flowlines, not to exceed four (4) inches in diameter, and 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, Sections 10 & 11 Block 37, T-3-S, Midland County. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 308

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND CROWNQUEST OPERATING, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 10 & 11, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 13 excluding ; 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.

SECOND READINGS

14. Consider an ordinance on second reading on a request by Alan Biel for a Special Exception from the Zoning Code concerning the property line setback on the East 23.00-feet of Lot 21 and all of Lot 22, Block 4, Avalon Addition, City and County of Midland, Texas (Generally located southwest of the intersection of Humble Avenue and North "I" Street). (DEVELOPMENT SERVICES) (First reading held on September 27, 2016.)

ORDINANCE NO. 9601

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE EAST 23.00 FEET OF LOT 21 AND ALL OF LOT 22, BLOCK 4, AVALON ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF HUMBLE AVENUE AND NORTH I STREET), BY PERMITTING A REDUCED SIDE YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9601.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9601 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

15. Consider an ordinance on second reading on a request by Jatin Patel for a Zone Change from O-1, office District, in part, and 1F-1, One-Family Dwelling District, in part, to 1F-3, One-Family Dwelling District, on Block 42, City and County of Midland, Texas (Generally located northeast of the intersection of Belmont Street and Wolcott Avenue.) (DEVELOPMENT SERVICES) (First reading held on September 27, 2016.)

ORDINANCE NO. 9602

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING BLOCK 42, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED O-1, OFFICE DISTRICT, IN PART, AND 1F-1, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF BELMONT STREET AND WOLCOTT AVENUE); 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. 9602.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9602 in accordance with the Charter of the City of Midland; 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.

16. Consider an ordinance on second reading on a request by HealthSouth Rehabilitation Hospital of Midland/Odessa for a Zone Change from PD, Planned District for a Shopping Center, to O-1, Office District, on Lot 1, Block 6, Grassland Estates Addition, Section 4, City and County of Midland, Texas (Generally located northwest of the intersection of North Loop 250 West and Andrews Highway.) (DEVELOPMENT SERVICES) (First reading held on September 27, 2016.)

ORDINANCE NO. 9603

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 6, GRASSLAND ESTATES ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF NORTH LOOP 250 WEST AND 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. 9603.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9603 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.

17. Consider an ordinance on second reading on a request by Midland Oil & Gas, Inc. for a Zone Change from PD, Planned District for a Shopping Center, with an underlying zoning of LR-1, Local Retail District, to O-1, Office District, on Lots 12, 13, and 14, Block 2, Kelview Heights Addition, City and County of Midland, Texas. (Generally located southeast of the intersection of West Wadley Avenue and North Pecos Street.) (DEVELOPMENT SERVICES) (First reading held on September 27, 2016.)

ORDINANCE NO. 9604

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 12, 13, AND 14, BLOCK 2, KELVIEW HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST WADLEY AVENUE AND NORTH PECOS 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. 9604.

Council Member Love moved to approve the second and final reading of Ordinance No. 9604 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

18. Consider an ordinance on second reading on a request by Uriol Caballero for a Special Exception to the Zoning Code concerning front yard setback standards on the north 157-ft. of Tract 5, Parker Acres, City and County of Midland, Texas (Generally located on the west side of Todd Drive, approximately 785-feet south of East Golf Course Road.) (DEVELOPMENT SERVICES) (First reading held on September 27, 2016.)

ORDINANCE NO. 9605

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE NORTH 157 FEET OF TRACT 5, PARKER ACRES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF TODD DRIVE, APPROXIMATELY

785 FEET SOUTH OF EAST GOLF COURSE ROAD), BY PERMITTING A REDUCED FRONT YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9605.

Hotchkiss brought up wanted to hear if there was a problem with Engineering from with street. Jose yes no problem.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9605 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.

19. Consider an ordinance on second reading regulating the direction of vehicular traffic on certain portions of Illinois Avenue; authorizing and directing the Traffic Engineer to install appropriate signs and markings; 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) (First reading held on September 27, 2016.)

ORDINANCE NO. 9606

AN ORDINANCE REGULATING THE DIRECTION OF VEHICULAR TRAFFIC ON ILLINOIS AVENUE, BETWEEN MAIN STREET AND BAIRD STREET, AS TWO-WAY TRAFFIC; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO ERECT APPROPRIATE SIGNS; 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 Karla Mata read the caption of Ordinance No. 9606.

Council Member Love moved to approve the second and final reading of Ordinance No. 9606 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.

20. Consider an ordinance on second reading establishing temporary construction speed zones at various locations in the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings; 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) (First reading held on September 27, 2016.)

ORDINANCE NO. 9607

AN ORDINANCE ESTABLISHING TEMPORARY REGULATORY CONSTRUCTION SPEED LIMITS, AS DESIGNATED BY THE CITY TRAFFIC ENGINEER, DURING PERIODS OF CONSTRUCTION; SAID TEMPORARY REGULATORY CONSTRUCTION SPEED LIMITS BEING NO LOWER THAN 25 MILES PER HOUR AND HAVING DURATIONS OF NO MORE THAN 21 DAYS; AUTHORIZING THE INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00), EXCEPT THAT THE MAXIMUM PENALTY OR FINE SHALL BE FOUR HUNDRED DOLLARS (\$400.00) IF AN OFFENSE OCCURS IN A CONSTRUCTION OR MAINTENANCE WORK ZONE WHEN WORKERS ARE PRESENT; AND ORDERING PUBLICATION

Council Member Love moved to approve the second and final reading of Ordinance No. 9607 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

PUBLIC HEARINGS

21. Hold a public hearing and consider a resolution on a request by Mac's BBQ & Catering for a Temporary Land Use Permit for an Outdoor Amusement Event on Lots 16 through 18; Block A, Garrett Place Addition, Lot 1, Block 1, Ball Park Addition, the east 1.83-acre of Lot 1, Block 1, Commercial Bank Addition, and a 0.2-acre portion of West Indiana Avenue, City and County of Midland, Texas (Generally located on the north side of West Indiana Avenue, approximately 160-feet east of Carlton Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 309

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN OUTDOOR AMUSEMENT EVENT ON LOTS 16-18, BLOCK A, GARRETT PLACE ADDITION, LOT 1, BLOCK 1, BALL PARK ADDITION, THE EAST 1.83 ACRES OF LOT 1, BLOCK 1, COMMERCIAL BANK ADDITION, AND A 0.2-ACRE PORTION OF WEST INDIANA AVENUE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST INDIANA AVENUE, APPROXIMATELY 160 FEET EAST OF CARLTON 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 request to operate outdoor amusement event oct 19 repportion of w indiana. worked out agmts with Chase Bank and Permian Surgical associatess for parking. held from 6 p.m. to 12 a.m. proposing live music will reduce volume at 10 pm sale of alco bev is prop restrooms and security will be provided. Love selling as opposed to offering. chuck asked for sale. Lacy sure sponsor will pay.

Mayor Morales opened the public hearing at 10:18 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Sparks moved to adopt Resolution No. 2016 - 309; 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.

22. Hold a public hearing and consider a resolution on a request by Robert Ahola-Magic Enterprises Inc. for a Tent Sale on Lot 4, Block 17, Skyline Terrace Addition, Unit 7, City and County of Midland, Texas (Generally located on North Midkiff Road approximately 800 ft. south of West Loop 250 North.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 310

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A TENT SALE ON LOT 4, BLOCK 17, SKYLINE TERRACE ADDITION, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 800 FEET SOUTH OF WEST LOOP 250 NORTH); 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 request tlup tent sale of rugs. aapplicant date nov 4-21. req nov 2 aand nv 223 for set up. Site has changed because rest goeing in where used to be now on Midkif Dr. No iimpact could see such as would be for carnival.

Mayor Morales opened the public hearing at 10:19 am.

Sherry Ahola, 450 Paragon Way, Sonoma CA, here to answer questions or concerns. Customers return every year. everything good with mall. Morales park trailer along tent. Sherry only in evening for security moved during day. Love how do youf eel about your new location? Sherry on Midkiff before and then built jewelry sstore and customers seem to find them. They advertise on tv and radio so people find them. It will be new expeerience.

There being no one else wishing to speak, the public hearing was closed at 10:21 a.m.

Council Member Love moved to adopt Resolution No. 2016 - 310; seconded by Council Member Sparks.

Rob nett aappreciate coming through with process and oding right way. a pppreciate.

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

23. Hold a public hearing and consider an ordinance on a request by Dave Carter for a Zone Change from LR-2, Local Retail District, to LR-3, Local Retail District, on Lot 6, Block 5, Midland Industrial Park Addition, City and County of Midland, Texas (Generally located northwest of the intersection of West I-20 and Commerce Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9608

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY

PERMITTING LOT 6, BLOCK 5, MIDLAND INDUSTRIAL PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN LR-3, LOCAL RETAIL DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF INTERSTATE 20 AND COMMERCE 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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9608.

Chuck Harrington request for proposed dev of store to be located on property. zoning to east and south is I-20 bus park district. There is extended stay hotel and Dawson geophysical close by. due to type of sales where sell trailers requesting ability to locate on outside. that requires Ir3 instead of Ir2. They do have some goods. Lr2 would require totally enclosed like home depot or lowes. proposed use is compatible with surrounding area fits future land use plan. p7z approved uan on 9/19 staff rec approval no loj. Note that applicant is unable to be here due to iscomm by staff. Lacy he can be here for second reading. Lacy just trailers. Chuck pretty much. Hotchkiss what else out front? Chuck thinking of store in Odessa see trailers and power generator utility trailers. Lacy nothing can wlaak off on own. Morales required to putt in sidewalks if not there. chuck part of site plan process must comply with regs.

Mayor Moales 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 Sparks moved approval of the first of two readings of Ordinance No. 9608 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.

MISCELLANEOUS

24. Approved a motion approving a proposed preliminary plat of Vista Del Cielo Addition, being a 77.56-acre tract of land out of the South Half of the Northeast Quarter of Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (Generally located southwest of the intersection of North Garfield Street and Passage Way.) (DEVELOPMENT SERVICES)

Development Services Directorr Chuck Harrington gave a brief overview of the item noting excess of ORdinance that requires 25 acres or more. prel plat for review and approval. loc sw corner garfield and passage way replatting in four lots. some puublic improvements required and tech requ have to be addressed prior to final plat. feel like all will be address. staf rec approval of prel plat.

Council Member Lacy moved to approve a motion approving a proposed preliminary plat of Vista Del Cielo Addition, being a 77.56-acre tract of land out of the South Half of the Northeast Quarter of Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (Generally located southwest of the intersection of North Garfield Street

and Passage Way.) ; 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. Approved a motion making appointments to various boards and commissions.

none

PUBLIC COMMENT

Thomas Flournoy, 3302 W. Kaansas Avenue, WWII vet and native midlander. Born and raised here in town. Concerns with other subject 3 minutes not enough time is honesty. Their actions feel they are dishonest. IMpress to restore honesty to Council. and likewise can restore to all other entities especially Washiington DC. Seeking help in his endeavors to restore honesty to all govt and all people. Lords 10 commandments if not honest in 10 commandments then how get back in His presence and get clean. If need help and guidance he is full of it glad to meet with any or all of them to improve honesty. One of his brothers asked him do you know difference between honesty made impression that honesty is only way to go and oonly way to be he takes it to heaart. Pride himself in being honest difficult to do but very rewardding.

Adj 10:32 a.m.

26. 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 ____, 2016.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary