

**MIDLAND CITY COUNCIL
MINUTES
November 08, 2016**

BRIEFING SESSION

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

1. Invocation - Minister Freeman Robinson, Northside Church of Christ
2. Pledge of Allegiance

PRESENTATIONS

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3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of Proclamation for National Radiologic Technologist Week

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 4 - 13 excluding 7; 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.

4. Approved a motion approving the following minutes:
 - a. Regular meeting of October 25, 2016.
 - b. Special meeting of October 26, 2016.
5. Approved a resolution approving the purchase of one (1) Caterpillar 953DQ Track Loader from Warren Power & Machinery, Inc. through Buyboard contract 424-13 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2016 - 329

RESOLUTION APPROVING THE PURCHASE OF ONE (1) CATERPILLAR 953DQ TRACK LOADER FOR THE GARAGE DIVISION FROM WARREN POWER & MACHINERY, INC., THROUGH BUYBOARD AT A TOTAL COST OF \$247,480.00

6. Approved a resolution ratifying the expenditure of \$66,481.31 for the repair of a Caterpillar 826H trash compactor for the Garage. (PURCHASING)

RESOLUTION NO. 2016 - 330

RESOLUTION RATIFYING THE PAYMENT OF \$66,481.31 TO WARREN POWER & MACHINERY, INC., OF ODESSA, TEXAS, FOR THE REPAIR OF THE FRONT RIGHT INTERNAL DRIVE OF THE UNIT 7917 CATERPILLAR 826H TRASH COMPACTOR FOR THE GARAGE DIVISION

8. Approved a resolution approving the purchase of one (1) Heil DP5000 Rear Loader complete refuse truck and two (2) Kann 29 cubic yard commercial side loader complete refuse trucks from Austin Truck & Equipment Ltd, dba Freightliner of Austin through Buyboard contract 430-13 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2016 - 332

RESOLUTION APPROVING THE PURCHASE OF ONE (1) HEIL DP5000 REAR LOADER COMPLETE REFUSE TRUCK AND TWO (2) KANN 29 CUBIC YARD COMMERCIAL SIDE LOADER COMPLETE REFUSE TRUCKS FOR THE GARAGE DIVISION FROM AUSTIN TRUCK & EQUIPMENT, LTD., DBA FREIGHTLINER OF AUSTIN THROUGH BUYBOARD AT A TOTAL COST OF \$547,656.00

9. Approved a resolution authorizing the execution of a Lease Agreement at Midland International Air & Space Port between the United States General Services Administration and the City of Midland, Texas, and appropriate funds. (AIRPORTS)

RESOLUTION NO. 2016 - 333

RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE UNITED STATES GENERAL SERVICES ADMINISTRATION FOR THE LEASE OF 2,924 SQUARE FEET OF OFFICE SPACE AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS SO AS TO COMPLY WITH CERTAIN OBLIGATIONS UNDER SAID LEASE AGREEMENT

10. Approved a resolution authorizing the execution of an Independent Professional Consultant Contract with Frances Stapp to provide curator management and other services to the Heritage District (COMMUNITY SERVICES)

RESOLUTION NO. 2016 - 334

RESOLUTION AUTHORIZING THE EXECUTION OF AN INDEPENDENT PROFESSIONAL CONSULTANT AGREEMENT WITH FRANCES STAPP TO PROVIDE CURATOR MANAGEMENT AND OTHER SERVICES TO THE HERITAGE DISTRICT

11. Approved a resolution accepting funds from the 2017 Texas "J"- Regional Advisory Council Grant. (FIRE)

RESOLUTION NO. 2016 - 335

RESOLUTION ACCEPTING A GRANT AWARD FROM THE TEXAS "J" REGIONAL ADVISORY COUNCIL IN THE AMOUNT OF \$15,403.00; SAID FUNDS TO BE USED BY THE MIDLAND FIRE DEPARTMENT FOR TRAINING, EQUIPMENT, AND SUPPLIES

12. Approved a resolution to approve and appoint volunteer candidates from the Citizens Police Academy Alumni as volunteers enforcing parking restrictions. (POLICE)

RESOLUTION NO. 2016 - 336

RESOLUTION APPOINTING INDIVIDUALS TO SERVE AS VOLUNTEERS TO ENFORCE PARKING RESTRICTIONS AS AUTHORIZED BY CHAPTER 681 OF THE TEXAS TRANSPORTATION CODE

13. Approved a resolution to accept and appropriate funds for the FY2016 Justice Assistance Grant (JAG) Program. (POLICE)

RESOLUTION NO. 2016 - 337

RESOLUTION AUTHORIZING THE CITY OF MIDLAND IN CONJUNCTION WITH

MIDLAND COUNTY TO ACCEPT THE FISCAL YEAR 2016 JUSTICE ASSISTANCE GRANT FUNDS TOTALING \$30,915.00; THE CITY OF MIDLAND WILL RECEIVE \$18,549.00 (60%) AND MIDLAND COUNTY WILL RECEIVE \$12,366.00 (40%) OF THE GRANT FUNDS; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS; AND APPROPRIATING FUNDS

7. Approved a resolution approving a professional services agreement with HDR Engineering, Inc. for Utility Design for New Electric Utility Provider Services for the Water Pollution Control Plant for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2016 - 331

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., FOR DESIGN, BID, AND CONSTRUCTION PHASE SERVICES FOR THE CONSTRUCTION OF NEW ELECTRICAL SERVICE FACILITIES AT THE WATER POLLUTION CONTROL PLANT

Council Member Love moved to adopt Resolution No. 2016 - 331; seconded by Council Member Hotchkiss.

Lacy pulled changing electrical providers. Laura once move from Sharyland have to get own providers. Sparks how far building line? Laura just transformer and electrical equipment associated with it. Oncor will come in and hook up to us. Sparks does 63,000 include hanging transformers? Laura this is just design TCEQ understands how electrical has to be at plant. review loads, make sure provisions in place to switch over from one source to another two stations to pull power from. this will have oversight all the way through.

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 Martinez Bakery for a Specific Use Permit with Term for the sale of beer and wine, for on-premises consumption, in a restaurant, on a 4,320-square foot portion of Lots 1 and 2, Block 187, Southern Addition, City and County of Midland, Texas (Generally located southwest of the intersection of East Florida Avenue and South Weatherford Street.) (DEVELOPMENT SERVICES) (First reading held October 25, 2016.)

ORDINANCE NO. 9610

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4,320-SQUARE FOOT PORTION OF LOTS 1 AND 2, BLOCK 187, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF EAST FLORIDA AVENUE AND SOUTH WEATHERFORD STREET), WHICH IS PRESENTLY ZONED LR-3, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF BEER AND WINE 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 Karla Mata read the caption of Ordinance No. 9610.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9610 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Hotchkiss ord correct as far as times but informaiton in second reading was wrong but corrected in ordinances. changed their times. The meemo is wrong but ordinance si correct. John you are good.

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 Miguel Bustilloz for a zone change from PD, Planned District for a Recreation Center, to an Amended Planned District on Lot 1, Block 10, Bush Tennis Center, City and County of Midland, Texas (Generally located on the north side of Briarwood Avenue, approximately 1,300-feet west of Holiday Hill Road.) (DEVELOPMENT SERVICES) (First reading held October 25, 2016.)

ORDINANCE NO. 9611

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 10, BUSH TENNIS CENTER, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A RECREATION CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 1,300 FEET WEST OF HOLIDAY HILL 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 Karla Mata read the caption of Ordinance No. 9611.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9611 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.

16. Consider an ordinance on second reading on a request by Jorge's Café for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 630 square foot portion of the Common Area and a 6,250 square foot portion of Lots 14-17, Block 11A, Fairway Park Addition, Section 3, City and County of Midland Texas. (DEVELOPMENT SERVICES) (First reading held October 25, 2016.)

ORDINANCE NO. 9612

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 630-SQUARE FOOT PORTION OF THE COMMON AREA AND A 6,250-SQUARE FOOT PORTION OF LOTS 14-17, BLOCK 11A, FAIRWAY PARK ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 100 FEET SOUTH OF PALMER DRIVE), 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 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 Karla Mata read the caption of Ordinance No. 9612.

Council Member Love moved to approve the second and final reading of Ordinance No. 9612 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

17. Hold a public hearing and consider an ordinance on a request by Andrew Mellen for a Specific Use Permit without Term for Off-street accessory use on Lot 2, Block 16, Greathouse Addition, Section 4 (Generally located on the south side of Portico Way, approximately 125-feet east of Mathis Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9613

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 2, BLOCK 16, GREATHOUSE ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF PORTICO WAY, APPROXIMATELY 125 FEET EAST OF MATHIS STREET), WHICH IS PRESENTLY ZONED NS, NEIGHBORHOOD SERVICE DISTRICT, IN PART, AND O-1, OFFICE DISTRICT, IN PART, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR OFF-STREET PARKING OF MOTOR VEHICLES OTHER THAN AS AN ACCESSORY USE; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9613.

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

noting parking provides additional overflow. Ord allows in this district by SUP. Site plan showed development put in 39 angels parking spaces with adequate room for movement. staf rec approval subject to conditions shown. p7z approved unan. no loj. Lacy why go through process fo rparking. chucking zoning doesn't allow for it except for special use. not allowed as primary use.

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.

Council Member Love moved approval of the first of two readings of Ordinance No. 9613 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. Hold a public hearing and consider an ordinance on a request by Kristi Alldredge for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 3,000-square foot portion of Lot 1A, Block 1, Alldredge Gardens Addition, Section 2, City and County of Midland, Texas (Generally located northeast of the intersection of East Wadley Avenue and North Fairgrounds Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9614

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,000-SQUARE FOOT PORTION OF LOT 1A, BLOCK 1, ALLDREDGE GARDENS ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF EAST WADLEY AVENUE AND NORTH FAIRGROUNDS ROAD), WHICH IS PRESENTLY ZONED LR-3, 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 Karla Mata read the caption of Ordinance No. 9614.

Development Services Director Chuck Harrington gave a brief overview of the item noting Alldredge Gardens discrepancy between where selling and original floor plans showed for the property. Submitted new floor plan and site plan of where actually servicing. Orig they had different hours from 9 a.m. to 12 a.m. mon-sat sun 10-12 a.m. They don't want to change time situations where have pparties event though hours of oepration match permit. applicant can address. no schools or churches within 300 feet. staff rec approval subject to recommendations. Their exisitng permit allowed from 9 a.m. applies to site plan.

Mayor Morales opened the public hearing at 10:21 a.m.

Justin Smith, Alldredge Gardens. when fill out ap put in operations hours 11 a.m. to 2 p.m. forgot to consider other events including weddings, showers, office parties, christmas parties, market on first saturday every month and open at 9 a.m. Fine with 10 but would like to go back to normal hours from 9 a.m. to 12 a.m. 10 to midnight 7 days a week okay spencer. Lacy set precedent of 10 a.m. start time. he will amend after public hearing. any events outside of patio area? no.

There being no one else wishing to speak, the public hearing was closed at 10:23 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9614 in accordance with the Charter of the City of Midland with amendment to change hours of alcohol service Monday through Sunday 10:00 a.m. to 12:00 a.m.; 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.

19. Hold a public hearing and consider an ordinance on a request by Café Nitro LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 3A, Block 1, Gateway Plaza, Section 9, City and County of Midland, Texas (Generally located southwest of the intersection of Starboard Drive and Liberty Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9615

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 1,933-SQUARE FOOT PORTION OF LOT 3A, BLOCK 1, GATEWAY PLAZA, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF STARBOARD DRIVE AND LIBERTY DRIVE), WHICH IS PRESENTLY ZONED LR-3, 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 Karla Mata read the caption of Ordinance No. 9615.

Development Services Director Chuck Harrington gave a brief overview of the item noting new restaurant in strip center close to Cyndery theatre. for sale of alcohol on premises in restaurant. No current sup. 11-10 Monday through Sunday operating hours 6:30 to 9:00. NOT located within 300 feet of church or school meets comp plan staff rec approval subject to conditions in attachment. Love hours are until 9 pm. but want service until 10 a.m. Chuck continue to serve in rest.

Mayor Morales opened the public hearing at 10:26 a.m. app present for nitro if comments There being no one else wishing to speak, the public hearing was closed.

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

9615 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.

20. Hold a public hearing and consider a resolution on a request by Oregon Trail Trees - Joseph L. Smith for a Christmas tree Lot on Lot 1, Block 1, Scotsdale Addition, Section 2, City and County of Midland, Texas (Generally located west of North Midland Drive, approximately 180-feet south of West Dengar Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 338

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR OUTDOOR CHRISTMAS TREE SALES ON LOT 1, BLOCK 1, SCOTSDALE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDLAND DRIVE, APPROXIMATELY 180 FEET SOUTH OF WEST DENGAR AVENUE); 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 annual christmas tree lot located on casa verde gardens. Been there a number of eyars no issues or problems adequate oerating dates and horus staff rec approval.

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

Council Member Love moved to adopt Resolution No. 2016 - 338; 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.

21. Hold a public hearing and consider an ordinance on a request by Borgata Partners, LLC. for an Amended Planned District, on Lot 1A, Block 2, Grandridge Park Addition, Section 7 City and County of Midland, Texas (Generally located west of the intersection of Holiday Hill Road and North Loop 250 West.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9616

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 2, GRANDRIDGE PARK ADDITION, SECTION 6, 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 THE INTERSECTION OF HOLIDAY HILL ROAD AND NORTH LOOP 250 WEST); 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. 9616.

Development Services Director Chuck Harrington gave a brief overview of the item noting prop to amend to add drive through for tea to ggo site. submitted proper paperwork this is now third amendment. one difference staff made mistake conditions were dev to should conform to revised site plan a but should include bdande. only illustrative are in ord as c f and g. Love all site plans included pictures are only illustrative. chuck staff rec approval.

Mayor Morales opened the public hearing at 10:30 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. 9616 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.

22. Hold a public hearing and consider an ordinance on a request by Dave Carter for a special exception to the Zoning Code concerning the rear yard setback on Lot 6, Block 5, Midland Industrial Park Addition, City and County of Midland, Texas (Generally located northwest of the intersection of West 1-20 and Commerce Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9617

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 6, BLOCK 5, MIDLAND INDUSTRIAL PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF INTERSTATE 20 AND COMMERCE DRIVE), BY PERMITTING A REDUCED REAR 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. 9617.

Development Services Director Chuck Harrington gave a brief overview of the item noting parking and landsscaping issues and shape of yard. a pplicant requesting year yard setback be set to 3 feet. in doing so will be able to meet all parkiing, landscaping requirements. Staff propose support request since lot itself oddly shaped and trying to make aesthetically pleasing development. Morales speaking of landscaing meter requirement mandated by state. Courtney visit afterwords. New applications working on, chuck yes.

Mayor Morales opened the public hearing at 10:32 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. 9617 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. Hold a public hearing and consider an ordinance on a request by CHC Family Properties, LLC for a Vacation of a 0.2-acre portion of alley right-of-way, adjacent to Lot 2, Block 6, Scotsdale Addition, Section 5, City and County of Midland, Texas (Generally located 480-feet south of West Wadley Avenue, approximately 175-feet west of North Midland Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9618

AN ORDINANCE VACATING AND ABANDONING AN 8,685-SQUARE FOOT PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOT 2, BLOCK 6, SCOTSDALE ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 480 FEET SOUTH OF WEST WADLEY AVENUE, AND APPROXIMATELY 175 FEET WEST OF NORTH MIDLAND DRIVE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$34,740.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9618.

Development Services Director Chuck Harrington gave a brief overview of the item noting there is a little alley way between their site and adjoining site of cornerstone village apartments. Determined it would be best if alley did not exist. propose retain utility easement is retained. All utilities are aerial. Use for drainage. make for better development and applicant talked to adjoining apartments who agreed to sell their portion of the row. one question of rounding factor. 199 34,740 instead of 34,848 dollars that amounts to. Gone through our portions in agreement with request and rec approval. Lacy how is this \$4 sq ft as opposed to \$2. Hotchkiss all utilities find? yes.

Mayor Morales opened the public hearing at 10:36 a.m.

Jeff Russel 301 N. Grant, kind of had same question of \$2 vs \$4 and would like to request reassess that to \$2 a square foot. Kind of went into it understanding take it into our site. Request of Council. Lacy we get appraisal for MCAD. For no profits change but for profit follow MCAD.

There being no one else wishing to speak, the public hearing was closed at 10:37 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9618 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.

MISCELLANEOUS

24. Consider an ordinance amending Title VIII, Chapter 6, Sections 8 and 9 of the City Code. (SOLID WASTE)

ORDINANCE NO. 9619

AN ORDINANCE OF THE CITY OF MIDLAND AMENDING TITLE VIII, "FOOD ESTABLISHMENTS, HEALTH AND GENERAL SANITATION," CHAPTER 6, "GARBAGE, TRASH AND RUBBISH," SECTION 8, "CHARGES FOR COLLECTION AND DISPOSAL; MECHANICALLY LOADED REFUSE CONTAINER REGULATIONS," AND SECTION 9, "COLLECTION FROM COMMERCIAL CUSTOMERS," OF THE MIDLAND CITY CODE SO AS TO INCLUDE ESCALATION CLAUSES FOR THE RATES CHARGED FOR MECHANICALLY LOADED REFUSE CONTAINERS AND TO COMMERCIAL CUSTOMERS FOR THE COLLECTION AND DISPOSAL OF GARBAGE, TRASH AND RUBBISH; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9619.

Solid Waste Director Morris Williams avail for quest. Lacy 2% fr five eyars assk if problem with 5 year review. Morris is in there for Council to review eyar to year. Morris 2% is there in case Council takes no other action.

Lacy amend ot include reveiw every five years. Courtney whenever proposed rate increase will bring back to Council. 2% this year and every year without coming to Council. You always have ability to hold off udring budget time. staff also looks at that can make adjustment. Dufford rather look at every year. Right now it's not in ordinance. Sparks five year sunset is good and ask for it if want to see. Courtney purpose of escalator city went several eyars on water rates without increase and had to do major increase. Logis is bump small % every year.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9619 in accordance with the Charter of the City of Midland with amendment to review in three years.; 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.

25. Consider an ordinance establishing fees and charges for Parks & Recreation. (COMMUNITY SERVICES)

ORDINANCE NO. 9620

AN ORDINANCE ESTABLISHING CERTAIN FEES AND CHARGES OF THE CITY OF MIDLAND COMMUNITY SERVICES DEPARTMENT, PARKS AND RECREATION DIVISION; AND REPEALING PRIOR ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH SUCH FEES AND CHARGES SET FORTH HEREIN

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9620.

Laurie Williams near compleitons of four auxilary ffields research of similar fields to come up with proposed fes for practice and tournaments. \$50 hours game or practice with \$100 deposit and tournament fees \$30/game \$125 depsoit per day and \$125 lean

up. other is maintenance fee where need to restripe cost of \$75/field. Is there a non-resident fee? Laurie no. Spencer on field alteration we do inhouse? yes. Morales soccer tournament who gets fee. the association would collect tournament fee and pay city for field retinal. Hotchkiss gone through a lot of other palces to check their rates. Laurie looking at other artificial tur fields. Lacy will MISD have to pay if use? Laurie up to Council.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9620 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.

26. Approved a motion on request by Parkhill Smith & Cooper Inc. to defer public improvements for Vista Del Cielo, and to waive the corresponding financial security guarantee valued at \$1,503,824.00, an amount equal to the estimated cost of construction and consider a request to waive the sewer pro rata, assessed at \$38,538.00. The subject property is generally located at the northwest corner of the intersection of Passage Way and Garfield Road, within the City of Midland corporate limits. (ENGINEERING SERVICES)

Jeff Cohen request for deferraal and waiver of security guarantees for property in north part of Midland that involves paving and deferral of construction of paving along passage way and garfield and waiver of guarantees and some utility deferral request aas well as request to wiavfe those guarantees. Staff supports deferral of paving and waiving fees since don't thinkd dev willbe out that far in 10 years. for util support deferral of construction but looking for guidance and direction on waiver of guarantees utilities are very close the nw sewer outfall runs throught he prroperty. Because of that htought best if consultant for applicant present the details and answer questions. Morales on row? Jeff received row needed. Lacy don't anticipate in the next 10 years extending garfield north. Jeff Garfield crosses draw south of this dev and would take quite a bit of money to devleop the crossing. Would take a lot of devleopment or City money to make that happen. Lacy incorrect statment that will not develop int hat area. Jeff when get access to A think it willprovide second access. It will require additional development. Lacy heaard will go forward on Garifle.d Jose at this time no planning for garfield extentions and no money tied so it is realistic to say won't happen in 10 years because so man y other needs. Garfield estention don't see need unless devleopment driven. Jose large tracts of property and odn't see ned or interesst in devleoping in that area.

Council Member Lacy moved to approve Approved a motion on request by Parkhill Smith & Cooper Inc. to defer public improvements for Vista Del Cielo, and to waive the corresponding financial security guarantee valued at \$1,503,824.00, an amount equal to the estimated cost of construction and consider a request to waive the sewer pro rata, assessed at \$38,538.00. The subject property is generally located at the northwest corner of the intersection of Passage Way and Garfield Road, within the City of Midland corporate limits.; seconded by Council Member Robnett.

Jeff also involves pro rata for sewer and applicant is requeesting to wave that pro rata. same as wiaving security guarantee.

Eric West, psc, a little unusual, don't typically request deferrals. Specifically about Development generous to say develop it is four large lots on Passage Way. It is very large lot ranch style driven area. Out of four lots already one existing house. Three additional lots that will exist at end. Smallest lot will be 15 acres. range from 15-23 acres. all access on access way which is unpaved roadway. No desire or need on this type of lot and house for city utilities. They don't want access to City water and sewer served with well and septic. Pretty typical for homes in that area. Mentioned it talked thorough staff make sure land needed for any of utility would be provided. 20 additional feet for garfield and another 10 feet giving of pedestrian and utility easement to ensure that anything and everything will be included. same on passage 10 additional feet for row and an additional 10 for pedestrian easement. Drainage is another part out of 80 acres 15 given as drainage easement because Midland Draw angles across and the drainage will be included in Draw. The other plats come in along passage way they have all asked for and been granted deferrals. Believe with size and use this is reasonable request.

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

PUBLIC COMMENT

27. 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.)

There were no citizens present wishing to speak.

EXECUTIVE SESSION

Recess to Exec at 10:58 a.m.

28. 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 ____, 2016.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary