

**MIDLAND CITY COUNCIL
MINUTES
November 21, 2017**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on November 21, 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., November 21, 2017.

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

Council Members absent: None.

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

The Agenda Items were heard in the following order:

Mayor Morales called the meeting to order at __ a.m.

OPENING ITEMS

cto 10:06

1. Invocation
2. Pledge of Allegiance

PRESENTATIONS

Jessica presented award and Mayor.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of the 2017 Journalism Award to Trevor Hawes of the Midland Reporter Telegram from the American Planning Association Texas Chapter.

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 4 - 18 excluding 10; 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.

4. Approved a motion approving the following minutes:
 - a. Regular City Council meeting of November 7, 2017
5. Approved a resolution authorizing the City Manager to negotiate a lease agreement with Loraine at Texas Office Tower Ltd. (FINANCE)

RESOLUTION NO. 2017 - 342

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A TWO-YEAR LEASE AGREEMENT BETWEEN THE CITY OF MIDLAND AND LORAIN AT TEXAS OFFICE TOWER, LTD. REGARDING APPROXIMATELY 2,134 SQUARE FEET OF REAL PROPERTY LOCATED AT 200 NORTH LORAIN STREET, MIDLAND, TEXAS 79701; AND AUTHORIZING PAYMENT THEREFOR

6. Approved a resolution approving the City of Midland Fiscal Year 2018 Investment Policy. (FINANCE)

RESOLUTION NO. 2017 - 343

RESOLUTION APPROVING THE CITY OF MIDLAND'S FISCAL YEAR 2018 INVESTMENT POLICY

7. A resolution declaring expectation to reimburse expenditures with proceeds of future debt. (FINANCE)

RESOLUTION NO. 2017 - 344

Resolution declaring expectation to reimburse expenditures with proceeds of future debt.

8. Approved a resolution authorizing the City Manager to hire a real estate broker and execute the sale of lots 1 and 2, Block 64, Permian Estates Addition, former Fire Station 6, for the General Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 345

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH REAL ESTATE ONE - BILL SCOTT TO PROVIDE REAL ESTATE MARKETING SERVICES IN CONNECTION WITH CERTAIN REAL PROPERTY DESCRIBED AS LOTS ONE (1) AND TWO (2), BLOCK SIXTY-FOUR (64), PERMIAN ESTATES, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

9. Approved a resolution approving plans and specifications and authorizing advertisement for bids for Phase I of the Dennis the Menace Park Renovation Project. (PURCHASING)

RESOLUTION NO. 2017 - 346

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR PHASE 1 OF THE DENNIS THE MENACE PARK RENOVATION PROJECT

11. A resolution supporting the redesignation of the western leg of Interstate 14 from Brady, Texas, along U.S. Route 87 and State Highway 158 to a terminus at Interstate 20. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 348

RESOLUTION SUPPORTING THE REDESIGNATION OF THE WESTERN LEG OF INTERSTATE 14 FROM BRADY, TEXAS, ALONG U.S. ROUTE 87 AND STATE HIGHWAY 158 TO A TERMINUS AT INTERSTATE 20

12. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of oil gas well, being Charger #H155SS located 112 feet from the south line and 690 feet from the west line, Section 3, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said well is generally located 752 feet east of South Garfield Street and 325 feet north of West County Road 111.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 349

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 112 FEET FROM THE SOUTH LINE AND 690 FEET FROM THE WEST LINE, SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 752 FEET EAST OF SOUTH GARFIELD STREET AND 325 FEET NORTH OF WEST COUNTY ROAD 111); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

13. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of oil gas well, being Charger #H160LS located 113 feet from the south line and 360 feet from the west line, Section 3, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said well is generally located 422 feet east of South Garfield Street and 326 feet north of West County Road 111.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 350

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 113 FEET FROM THE SOUTH LINE AND 360 FEET FROM THE WEST LINE, SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 422 FEET EAST OF SOUTH GARFIELD STREET AND 326 FEET NORTH OF WEST COUNTY ROAD 111); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

14. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of oil gas well, being Charger #H155WA located 112 feet from the south line and 660 feet from the west line, Section 3, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said well is generally located 722 feet east of South Garfield Street and 325 feet north of West County Road 111.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 351

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 112 FEET FROM THE SOUTH LINE AND 660 FEET FROM THE WEST LINE, SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 722 FEET EAST OF SOUTH GARFIELD STREET AND 325 FEET NORTH OF WEST COUNTY ROAD 111); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

15. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of oil gas well, being Charger #H160MS located 113 feet from the south line and 390 feet from the west line, Section 3, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said well is generally located 452 feet east of South Garfield Street and 326 feet north of West County Road 111.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 352

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 113 FEET FROM THE SOUTH LINE AND 390 FEET FROM THE WEST LINE, SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 452 FEET EAST OF SOUTH GARFIELD STREET AND 326 FEET NORTH OF WEST COUNTY ROAD 111); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

16. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil

Co., LLC, for the drilling of oil gas well, being Charger #H160WB located 113 feet from the south line and 330 feet from the west line, Section 3, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said well is generally located 392 feet east of South Garfield Street and 326 feet north of West County Road 111.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 353

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 113 FEET FROM THE SOUTH LINE AND 330 FEET FROM THE WEST LINE, SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 392 FEET EAST OF SOUTH GARFIELD STREET AND 326 FEET NORTH OF WEST COUNTY ROAD 111); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

17. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C., for the drilling of oil gas well, being MCC HZ Unit No. 1120H located 285 feet from the north line and 1,977 feet from the west line, Section 11, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well that is generally located 1,977 feet east of North A Street extension and 5,030 feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 354

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 285 FEET FROM THE NORTH LINE AND 1,977 FEET FROM THE WEST LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,977 FEET EAST OF THE NORTH A STREET EXTENSION AND 5,030 FEET NORTH OF MOCKINGBIRD LANE); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

18. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C., for the drilling of oil gas well, being MCC HZ Unit No. 1121H located 285 feet from the north line and 1,937 feet from the west line, Section 11, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well that is generally located 1,937 feet east of North A Street extension and 5,030 feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 355

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 285 FEET FROM THE NORTH LINE AND 1,937 FEET FROM THE WEST LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,937 FEET EAST OF THE NORTH A STREET EXTENSION AND 5,030 FEET NORTH OF MOCKINGBIRD LANE); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

10. Approved a resolution approving the purchase of two (2) riding greens mowers from C & M Air Cooled Engine, Inc. through Buyboard contract 529-17 for a total cost of \$62,626.86 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2017 - 347

RESOLUTION APPROVING THE PURCHASE OF TWO (2) GREENS KING IV PLUS RIDING GREEN MOWERS AND ASSOCIATED EQUIPMENT FOR THE GARAGE DIVISION FROM C&M AIR COOLED ENGINE, INC., THROUGH BUYBOARD AT A TOTAL COST OF \$62,626.86

Love buying 2 riding lawn mowers and a lot of equipment added to it that almost doubles the price of the lawnmowers asked for explanation. two mowers each 3 cutter units when buy buy spare set of reels because can't run and sharper so need spare set. Actually 12 reels altogether. Love necessary and essential and important. yes use every day. Name

Council Member Love moved to adopt Resolution No. 2017 - 347; 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.

SECOND READINGS

19. Consider an ordinance on second reading for a request by Cody James Cooper for a Specific Use Permit, without term, for an accessory building used for living or sleeping quarters, on Lot 12B, Block 2, Country Sky Addition, Section 19, City and County Midland, Texas. (Generally located east of Roadrunner Trails, approximately 1,931-feet south of Briarwood Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9713

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 12B, BLOCK 2, COUNTRY SKY ADDITION, SECTION 19, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED EAST OF ROADRUNNER TRAIL, APPROXIMATELY 1,931 FEET SOUTH OF BRIARWOOD AVENUE), WHICH IS PRESENTLY ZONED CE, COUNTRY ESTATE DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR AN ACCESSORY BUILDING TO BE USED FOR LIVING OR SLEEPING QUARTERS; 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); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9713.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9713 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.

20. Consider an ordinance on second reading for an 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)

ORDINANCE NO. 9715

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 0.82-ACRE TRACT OF LAND AND A 0.83-ACRE TRACT OF LAND OUT OF 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); APPROVING A PUBLIC SERVICE PLAN; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No.9715.

Council Member Love moved to approve the second and final reading of Ordinance No. 9715 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.

21. Consider an ordinance on second reading of the City Council of the City of Midland, Texas, ordaining the city's participation in the Texas Enterprise Zone program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (The "Act"); providing tax incentives; designating a liaison for the communication with interested parties; nominating Apache Corporation to the office of the Governor, Economic Development and Tourism ("EDT") through the Economic Development Bank (the "Bank") as an Enterprise Project; and providing an effective date. (CITY MANAGER'S OFFICE)

ORDINANCE NO. 9716

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (THE "ACT"); PROVIDING TAX INCENTIVES; DESIGNATING A LIAISON FOR THE COMMUNICATION WITH INTERESTED PARTIES; NOMINATING APACHE CORPORATION TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM ("EDT") THROUGH THE ECONOMIC DEVELOPMENT BANK (THE "BANK") AS AN ENTERPRISE PROJECT; AND PROVIDING AN EFFECTIVE DATE

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9716.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9716 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.

22. Consider an ordinance on second reading authorizing the adoption of the Texas Administrative Code Title 25 Chapter 228, ordinance regarding the regulation of food establishments, including foods service establishments, retail food stores, temporary food establishments, mobile food units and roadside food vendors. (COMMUNITY SERVICES)

ORDINANCE NO. 9717

AN ORDINANCE AMENDING TITLE VIII, "FOOD ESTABLISHMENTS, HEALTH AND GENERAL SANITATION", CHAPTER 1, "IN GENERAL", OF THE CITY CODE OF MIDLAND, TEXAS, BY ESTABLISHING SECTION 20, "ADOPTION OF THE TEXAS FOOD ESTABLISHMENT RULES", SO AS TO ADOPT BY REFERENCE TITLE 25, PART 1, CHAPTER 228 OF THE TEXAS ADMINISTRATIVE CODE, AS AMENDED, WHICH SETS FORTH RULES REGARDING THE REGULATION OF FOOD ESTABLISHMENTS INCLUDING FOOD SERVICE ESTABLISHMENTS, RETAIL FOOD STORES, TEMPORARY FOOD ESTABLISHMENTS, MOBILE FOOD UNITS, AND ROADSIDE FOOD VENDORS; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2018

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9717.

Council Member Love moved to approve the second and final reading of Ordinance No. 9717 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.

PUBLIC HEARINGS

23. Hold a public hearing and consider an ordinance on a request by Bob and Lisa Lange for a Special Exception to the City of Midland Zoning Code, Section 11-1-7 Area, yard structure, parking and miscellaneous lot use regulations, concerning an increased height of a fence within the front yard setback and a detached accessory structure in front of the portion of the principal structure that is closest to the front yard setback line on Lot 10A, Block 1, Mira Vista, Section 2, City and County of Midland, Texas. (Generally located southwest of the intersection of Mira Vista Circle and North Big Spring Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9718

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 10A, BLOCK 1, MIRA VISTA, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE SOUTHERN INTERSECTION OF MIRA VISTA CIRCLE AND NORTH BIG SPRING STREET), BY PERMITTING AN INCREASED HEIGHT OF A FENCE WITHIN THE FRONT YARD SETBACK AND BY PERMITTING A DETACHED ACCESSORY STRUCTURE IN FRONT OF THE PORTION OF THE PRINCIPAL STRUCTURE THAT IS CLOSEST TO THE FRONT YARD SETBACK

LINE; 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 SueAnn Lopez read the caption of Ordinance No. 9718.

Development Services Director Chuck Harrington gave a brief overview of the item noting for special exception regarding area yard structure parking. proposing to construct 212 sq foot pool in fornt yard area with min 15 foot setback established by plat in mira vista subidivison. In addition spec exception 7f oot stone fence aaround pool. Summarizing takes special excepiton to cosntruct pool inf ron yard 5 ft in front of residence insrted of rear. This has beenr eveiwed by all depts. comments are lsited. no loj. it is understanding hoa has looked at but do not have a letter. Staff opposed to request to hjarship.

no site distnace problems. Mayor Morales opened the public hearing at 10:22 a.m.

Randy Glen exteme exteriors, general contractor unique property situation. in ront yard allows ability to construct. it is hot tub not a pool and enhances lok of home enhances and goes with flow.

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. 9718 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.

24. Hold a public hearing and consider an ordinance on a request by Kent Distributors for a Zone Change from MH, Mobile Home Dwelling District, to LR-2, Local Retail District, on Lots 1-6, Block 21, Belmont Addition, City and County of Midland, Texas. (Generally located southwest of the intersection of West Francis Avenue and Belmont Street .) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9719

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1-6, BLOCK 21, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED MH, MOBILE HOME DWELLING DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST FRANCIS AVENUE AND BELMONT 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. 9719.

Development Services Director Chuck Harrington gave a brief overview of the item noting requesting zone change to Ir2 to develop services station. does meet proposed east half of block. only looking for one half of block to make development complete. they will need to vacate alley row and will come to council as separate item. Noisy items vacuuming thrown on gghighway. staff reviewed and find it meets comp plan and offer opportunity to redevelop property. one lot received. During hearing before p7z one person attended and spoke. Morales some vacant lot no homes? chuck yes vacant property. Lacy structure on other side. chuck no occupied. Morales cleaning up block. Love confused ranking on left should it be lley

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 Hotchkiss moved approval of the first of two readings of Ordinance No. 9719 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.

25. Hold a public hearing and consider a resolution on a request by MODE Communications for approval of a Temporary Land Use Permit for an Ice Skating Rink 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.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 356

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN ICE SKATING RINK 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 Harrington gave a brief overview of the item noting similar to last year for ice skating rink. family friendly event food stations, santa workshop, sale of alcohol not proper restrooms avail for public use. staff received no lot and rec approval.

Hotchkiss going to increase size of rink? Chuck no.

Mayor Morales opened the public hearing at 10:29 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2017 - 356; 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.

26. Hold a public hearing and consider a resolution on a request by Oregon Trail Trees - Cody Reynolds 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. 2017 - 357

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 requesting to hold annual Christmas tree sale at 2915 N Midland Nov 22 through Dec 31 to . no log rec approval.

Mayor Morales opened the public hearing at 10:31 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2017 - 357; 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

27. Consider an ordinance amending Fiscal Year 2016-2017 budgets for certain funds. (FINANCE)

ORDINANCE NO. 9720

AN ORDINANCE MAKING CERTAIN AMENDMENTS TO THE 2016-2017 FISCAL YEAR BUDGET SO AS TO INCREASE AMOUNTS APPROPRIATED TO CERTAIN FUNDS

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9720.

Pam Simecka annual function of budget amended at end of year. 3 sources from outside city. court tech and security fee established by state collect on ticket, pd donation, charges are used for building of new building. grande internet and other for metal frame odor for security reason. last govt service debt fund went over was due to underestimation on Midland Center bond. budget already in process by time issued bond had \$236,000 difference in interest. was not enough cash to pay for additional interest. keep a balance 12 months of debt services. otherwise all other funds came in under budget.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9720 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.

28. Approved a resolution seeking permission to advertise for Phase I of the 2017 Bond Issuance for two projects, Taylor Avenue and Hicks Avenue as well as Cuthbert Avenue and Greentree Boulevard. (PURCHASING)

RESOLUTION NO. 2017 - 358

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE THE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE TAYLOR AVENUE AND HICKS AVENUE PROJECT; SAID PROJECT TO PROVIDE ROAD, SIDEWALK, PEDESTRIAN RAMP, AND PUBLIC UTILITIES IMPROVEMENTS ALONG TAYLOR AVENUE, FROM TERRELL STREET TO LAMESA ROAD, AND ALONG HICKS AVENUE, FROM MINEOLA STREET TO LAMESA ROAD; AUTHORIZING THE CITY MANAGER TO APPROVE THE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE CUTHBERT AVENUE AND GREEN TREE BOULEVARD PROJECT; SAID PROJECT TO PROVIDE ROAD, SIDEWALK, PEDESTRIAN RAMP, AND PUBLIC UTILITIES IMPROVEMENTS ALONG CUTHBERT AVENUE, FROM GARFIELD STREET TO A STREET, AND ALONG GREEN TREE BOULEVARD, FROM HOLIDAY HILL ROAD TO MIDLAND DRIVE; SAID PROJECTS BEING YEAR ONE BOND PROJECTS

Engineering Services Director Jose Ortiz gave a brief overview of the item noting appreciation to council for support in efforts getting passed. team effort alot of people behind scenes to get 5 year plan in place thanked constituents. Council thanked staff for their hardd work

Council Member Lacy moved to adopt Resolution No. 2017 - 358; 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.

29. Approved a motion appealing the Building Official's denial of a sign permit application by HEB Grocery Company, LP, on Lot 3, Block 2, Westridge Park Addition, Section 4, City and County of Midland, Texas (Generally located at the southwest intersection of Andrews Highway and North Loop 250 West). (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting HEB requested additional wall signage that will icnrease above overall sq footage of 791.1. When brought plans forward in original signage already had exception to icnrease to 791 site allos 360 ssq ft total. now added additional activity at store requesting another sign for that. staff position no hardship could have reduction of other signs. they wished to appeal. s taff recommends denial.

love building signage on the building. lkacy really need to revisit sign ordinance offering anew service and hshould be able to advertise a new seervice.

Kurt Vanderwalle, creeative lead for HEB headquarters. here today to ask for support of both stores for new curbside busiensses. retail market changing rapidly technology

changing customer experience. investing in ecommerce shopping experience multi million invest order products on line and form ehb go app and be able to pick up at store. signaage intregal ccomponent of making successful. brought two sign vbendors can ans sperf.

Council Member Lacy moved to approve appealing the Building Official's denial of a sign permit application by HEB Grocery Company, LP, on Lot 3, Block 2, Westridge Park Addition, Section 4, City and County of Midland, Texas (Generally located at the southwest intersection of Andrews Highway and North Loop 250 West).; seconded by Council Member Dufford.

Mayor asked staff to work on sign ord first of eyar. love signage on building different then off.

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

30. Approved a motion appealing the Building Official's denial of a sign permit application by HEB Grocery Company LP on Lot 3A and 4, Block 15, Hyde Park Addition, Section 6, City and County of Midland, Texas (Generally located southwest of the intersection of West Wadley and North Midkiff Road). (DEVELOPMENT SERVICES)

chck similar to other same type of activity difference in total signage already has 1300 sq ft and di offerr to give up signs but signs give up are normally exit and directionals are not counted. no hardship staff rec denail.

Council Member Lacy moved to approve appealing the Building Official's denial of a sign permit application by HEB Grocery Company LP on Lot 3A and 4, Block 15, Hyde Park Addition, Section 6, City and County of Midland, Texas (Generally located southwest of the intersection of West Wadley and North Midkiff Road).; 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 COMMENT

31. 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.)

Garret Poitervint, 2608 Keswick court, purchased house in culdesac 2013 shortly after moved in turned into rental property had 3 very nice fmaileis move in but recently property ws rented to company called skipper industries. as result severla unrelatedm en moved in play area turned in paarking lot, police called for blocking alley. on one occasion female neighbor with 6 year old daughter experienced men urinating in front yard in broad daylight. coming and going day and night so already on third reotation of men. spoke with zoning and feel the burden of rpoof is more on then which isn't right inviting conflict between neighbors. spoke with brook underwood realtor and got little

poositive results . only infor able to obtain is work for skipper industries. growing trend
good neighborhood hijacked and overrun. Nothing against oil field make hismoney
there. nothign eprsonal culdesac taken over. morales can't respond but take
information lacy will follow up talk to code enforcement and police ot see what can do.

adj 10:46 a.m.

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

PASSED AND APPROVED the __ day of _____, 2017.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary