

**MIDLAND CITY COUNCIL
MINUTES
November 22, 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 22, 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 22, 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 - Reverend Pat Bryant, Travis Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

Mayor presented first proclamation for Wagner Noel.

b. Love Hospice

recognized Boy Scouts in audience

Troop 152 Communication Merit Badge

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of Proclamation for Wagner Noel Performing Arts five-year celebration
 - b. Presentation of Proclamation for Hospice and Palliative Care Month

CONSENT AGENDA

4. Approved a motion approving the following minutes:

Council Member Lacy moved to approve Consent Agenda items 4 - 14 excluding 5, 8; seconded by Council Member Love.

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

- a. Regular meeting of November 8, 2016.

Council Member Lacy moved to approve Consent Agenda items 4 - 14 excluding 5, 8; seconded by Council Member Love.

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

5. Approved a resolution authorizing the issuance of a request for proposals for a Retail Study and Analysis for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 339

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR A RETAIL STUDY AND ANALYSIS FOR THE DEVELOPMENT SERVICES DEPARTMENT; SAID STUDY AND ANALYSIS TO BE A CITY-WIDE STUDY AND ANALYSIS OF CURRENT RETAIL OPPORTUNITIES AND GAPS IN RETAIL OPPORTUNITIES

Council Member Love moved to adopt Resolution No. 2016 - 339; seconded by Council Member Hotchkiss.

Sparks need new study last one done in 2012 respectfully believe city still in flux and not right time to do. Have oil and gas pushes what going on here and even industry doesn't know where going. Would say that by third quarter of next year have better idea. think too early to do study. if going out for rfp right now study have to be done before that point.

Harrington look at from broader perspective, the number of rooftops that change retail which drives what looking at not sales tax activity. population is holding steady and when try to deal with retailers have inaccurate data and they don't recognize what we tell them. Sparks talking with retailers about? Harrington rooftops have grown and opportunity for future retail growth to take to show potential recognizing take them at least year to year and half to get serious don't feel like any issues with where status of oil is now.

Love 8 month study. harrington 68 months. put in time frame of Sparks.

should be doing every five years. harrington at least every five years and more if depending on what going on. Lacy how much increased? Harrington beyond. Sharp numbers available. Lacy is not decrease retail not a factor. Harrington yes but possible potential customers. Dufford school district had increase over last year. Mayor taking her scope of work from downtown. Christina city wide but also will look at downtown opportunities. Morales developers today looking at Midland? staff yes. Frank study will help put info in developers hands and opens door more current info to developer. Morales will it help negotiate contracts? Courtney staff not out actively recruiting but give info to developers to go out to big trade shows and more data in hand better off to negotiate deals between developers and retailers. Love help us self identify.

Lacy how much? Harrington 25 to 50 another aspect is chamber of commerce possibility to participate with them. Just want to get firm idea of terms of cost. Love why don't we have x y z establish this allow to answer.

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

6. Approved a resolution approving the purchase of forty (40) Bunker Coats and forty (40) Bunker Pants from Dooley Tackaberry, Inc. through Buyboard contract 432-13 for a total cost of \$90,392.00 for the Fire Department. (PURCHASING)

RESOLUTION NO. 2016 - 340
RESOLUTION APPROVING THE PURCHASE OF FORTY (40) BUNKER COATS AND FORTY (40) BUNKER PANTS FOR THE FIRE DEPARTMENT FROM DOOLEY TACKABERRY, INCORPORATED, THROUGH BUYBOARD AT A TOTAL COST OF \$90,392.00

Council Member Lacy moved to approve Consent Agenda items 4 - 14 excluding 5, 8; seconded by Council Member Love.

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

7. Approved a resolution awarding a contract to the sole bidder, Smith Pump Company, Inc., for the replacement of an effluent pump at the Water Pollution Control Plant for a total cost of \$118,842.00 for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2016 - 341

RESOLUTION AWARDED A CONTRACT FOR THE REPLACEMENT OF AN EFFLUENT PUMP AT THE WATER POLLUTION CONTROL PLANT TO THE SOLE BIDDER, SMITH PUMP COMPANY, INC., OF WACO, TEXAS, AT A TOTAL COST OF \$118,842.00

Council Member Lacy moved to approve Consent Agenda items 4 - 14 excluding 5, 8; seconded by Council Member Love.

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

8. Approved a resolution awarding a contract for a Body Worn Camera System for the Police Department. (PURCHASING)

RESOLUTION NO. 2016 - 342

RESOLUTION AWARDED A CONTRACT FOR BODY CAMERAS, ASSOCIATED SOFTWARE, AND THE MANAGEMENT OF ALL ASPECTS OF THE MIDLAND POLICE DEPARTMENT'S BODY-WORN CAMERA SYSTEM TO TASER INTERNATIONAL, INC., OF SCOTTSDALE, ARIZONA

Council Member Sparks moved to adopt Resolution No. 2016 - 342; seconded by Council Member Lacy.

Mayor a lot of software a lot of space on grant from fed gov. price governors office. Morales went out to many companys. price 34 companies 4 responses internal grading spend b and final offer to 3 two responded. floated to top after oong and thorough rprocess. Morales mosme vehicels are not up to date? Price not that they can't adapt to it but better able to integrated with newer generation laptops but won't impeded. Price newer laptops can integrate with car camera in car but not impediment. officers that have those wear durring day bring in and dock. charges uploads ssoftware and downloads video that is stored ont here. ref of tagging in memo the integration tha taswer coem up with will allow computeer aided dispatchh to tag with date time offense and classificaiton emtadata. Morales two tools camera and body camera. Lacy this out of unappropriated and next eyar thorough budget. Sparks where worn. Tried different styles different types, lapel sunglasses. Too many wirres too many. Love is this blue tooth. no self contained. uploaded when docked.. Morales how long do you ahve to store info. Price traafficc stops retained for 180 days which is double law for racial profiling. integration that classifies dwi or felony offense in integration felonys 2 misdern 1. Ability with cloud base it is compliant. If capture personal information theya re in compliance with security perameters. Cloud based be able to go on line and look for video assoc with case rather than ahve somebody burn disk. . Lacy increase cost in digital storage. price no plan a nad b. todaya wth be unlimited and gives cost free upgrades adn new everything first yeaar and in rfp some companies do 2 refreshing.

year year 3 all new year five same. Love how much is annual ? \$169,k000 first \$120,000 each year after.

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

9. Approved a resolution approving the amended Fiscal Year 2016-2017 Budget of the Midland Development Corporation, a type A corporation as authorized by Chapter 504 of the Texas Local Government Code; and approving the Midland Development Corporation's allocation of funds for the purpose of making payment to TYCO Integrated Security, in an amount not to exceed \$115,994.00, in accordance with agreements that provide fire alarm, security system, and maintenance services to Hangars S-11A and S-11B and the Orbital Outfitters building located at the Midland International Air & Space Port (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2016 - 343

RESOLUTION APPROVING THE AMENDED FISCAL YEAR 2016-2017 BUDGET OF THE MIDLAND DEVELOPMENT CORPORATION, A TYPE A CORPORATION AS AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE; AND APPROVING THE MIDLAND DEVELOPMENT CORPORATION'S ALLOCATION OF FUNDS FOR THE PURPOSE OF MAKING PAYMENT TO TYCO INTEGRATED SECURITY IN AN AMOUNT NOT TO EXCEED \$115,994.00 IN ACCORDANCE WITH AGREEMENTS THAT PROVIDE FIRE ALARM, SECURITY SYSTEM, AND MAINTENANCE SERVICES TO HANGARS S-11A AND S-11B AND THE ORBITAL OUTFITTERS BUILDING LOCATED AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT

Council Member Lacy moved to approve Consent Agenda items 4 - 14 excluding 5, 8; seconded by Council Member Love.

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

10. Approved a resolution authorizing the execution of a Promotional Agreement with MOTRAN Alliance, Inc. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2016 - 344

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

Council Member Lacy moved to approve Consent Agenda items 4 - 14 excluding 5, 8; seconded by Council Member Love.

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

11. Approved a resolution Authorizing the Execution of a Second Amendment to the Professional Services Agreement between the Midland Development Corporation and Parkhill, Smith & Cooper, Inc. for Engineering Services Related to the Development of the Spaceport Business Park; and Authorizing Payment Therefor (CITY MANAGER'S

OFFICE)

RESOLUTION NO. 2016 - 345

RESOLUTION APPROVING A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND PARKHILL, SMITH & COOPER, INC., FOR ENGINEERING SERVICES RELATED TO THE DEVELOPMENT OF THE SPACEPORT BUSINESS PARK

Council Member Lacy moved to approve Consent Agenda items 4 - 14 excluding 5, 8; seconded by Council Member Love.

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

12. Approved a motion approving a contract with West Texas Softball Classic in the amount of \$12,000.00 to promote the West Texas Classic Softball Tournament in the City of 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 Lacy moved to approve Consent Agenda items 4 - 14 excluding 5, 8; seconded by Council Member Love.

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

13. Approved a resolution approving the 2017 City Council Meeting Dates. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2016 - 346

A RESOLUTION ESTABLISHING THE DATES OF THE REGULAR CITY COUNCIL MEETINGS TO BE HELD DURING THE CALENDAR YEAR 2017.

Council Member Lacy moved to approve Consent Agenda items 4 - 14 excluding 5, 8; seconded by Council Member Love.

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

14. Approved a motion authorizing the acceptance of reimbursement funds from the Texas Department of State Health Services in the following amounts for the following purposes; \$81,540.00 to assist the City of Midland Health and Senior Services Division (City) with the delivery of refugee immunization services; \$150,358.00 to assist the City with the delivery of immunization services; \$102,190.00 to assist the City with delivery of public health emergency preparedness services; authorizing the City Manager or his designee to execute all necessary acceptance documents; and authorizing and directing the City Treasurer to deposit the funds in the General Fund. (COMMUNITY SERVICES)

Council Member Lacy moved to approve Consent Agenda items 4 - 14 excluding 5, 8; seconded by Council Member Love.

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

SECOND READINGS

15. Consider an ordinance on second reading 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) (First reading held on November 8, 2016)

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 SueAnn Lopez read the caption of Ordinance No. 9613.

Council Member Love moved to approve the second and final reading of Ordinance No. 9613 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

16. Consider an ordinance on second reading 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) (First reading held on November 8, 2016)

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 SueAnn Lopez read the caption of Ordinance No. 9614.

Council Member Love moved to approve the second and final reading of Ordinance No. 9614 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

17. Consider an ordinance on second reading 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) (First reading held on November 8, 2016)

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 SueAnn Lopez read the caption of Ordinance No. 9615.

Council Member Love moved to approve the second and final reading of Ordinance No. 9615 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

18. Consider an ordinance on second reading 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) (First reading held on November 8, 2016)

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 SueAnn Lopez read the caption of Ordinance No. 9616.

Council Member Love moved to approve the second and final reading of Ordinance No. 9616 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

19. Consider an ordinance on second reading 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) (First reading held on November 8, 2016)

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 SueAnn Lopez read the caption of Ordinance No. 9617.

Council Member Love moved to approve the second and final reading of Ordinance No. 9617 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

20. Consider an ordinance on second reading 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) (First reading held on November 8, 2016)

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 SueAnn Lopez read the caption of Ordinance No. 9618.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9618 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

21. Consider an ordinance on second reading amending Title VIII, Chapter 6, Sections 8 and 9 of the City Code. (SOLID WASTE) (First reading held on November 8, 2016)

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 SueAnn Lopez read the caption of Ordinance No. 9619.

Council Member Love moved to approve the second and final reading of Ordinance No. 9619 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

3 year sunset goes away. john auto increase 3 years and then goes away.

22. Consider an ordinance on second reading establishing fees and charges for Parks & Recreation. (COMMUNITY SERVICES) (First reading held on November 8, 2016)

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 SueAnn Lopez read the caption of Ordinance No. 9620.

Council Member Love moved to approve the second and final reading of Ordinance No. 9620 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

PUBLIC HEARINGS

23. Hold a public hearing and consider an ordinance on a request by 898 Restaurant Group LLC for a Specific Use Permit with Term for the sale of beer and wine, for on-premises consumption, in a restaurant, on a 2,124-square foot portion of Block 1, Re-plat of Block 1 and 2, Imperial Heights Addition, City and County of Midland, Texas. (Generally located on the south side of West Wadley Avenue, approximately 270 feet east of North Midkiff Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9621

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 2,124-SQUARE FOOT PORTION OF BLOCK 1, RE-PLAT OF BLOCKS 1 AND 2, IMPERIAL HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 270 FEET EAST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF 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

Amy turner read ord 9621.

Harrington in area of Murrays deli. proposing op 7 am to 10 pm requesting cons form 10 am to 10 pm . staf rec approval in compliance with comp plan.

Hotchkiss sunday through monday. 7 days a week.

Mayor Morales oph 10:41 a.m.

Ray Blanchards principal 1105 Mogford one of principals question about food will be serving food and coffee grab and go. TABC rules follow only reason talking about special sporting events. issue of changing 10 a.m. start time on Sunday. notoriously don't approval on sunday issues with . not at all.

11 a.m. is fine. yes.

cph 10:43 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9621 in accordance with the Charter of the City of Midland with amendment of start time on Sunday at 11 a.m.; seconded by Council Member Love.

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

24. Hold a public hearing and consider an ordinance on a request by Opal's Table, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 3,763-square foot portion of the west 24.25 feet of Lot 9 and all of Lots 10 through 12, Block 65, Original Town Addition, City and County of Midland, Texas. (Generally located southeast of the intersection of N. Colorado Street and W. Wall Street. - Council District 2) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9622

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,763-SQUARE FOOT PORTION OF THE WEST 24.25 FEET OF LOT 9 AND ALL OF LOTS 10 THROUGH 12, BLOCK 65, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST WALL STREET), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9622.

Development Services Director Chuck Harrington gave a brief overview of the item noting proposed restaurant in downtown alcohol service area 964. req be allowed 2250 lobby area outside of restaurant to handle patrons waiting to be seated. Something worked out with building owner. Other thing to note is servicable hours 10 a.m. to 2 a.m. mon-sat and 11 to 10 p.m. sun. Last council concerned about 2 a.m. this item brings up something council address as body when look at downtown may be more opportunities to be downtown later and midland center is redeveloped come out of events late night. this is where going but give opportunity to consider how want downtown to be utilized in future. no loj. other uses nearby have alcohol sales includes

double tree. staff rec approval.

lacy 2 a.m. is for special events? Chuck yes as downtown develops it may be entertainment area. lacy unique request. eys.

Mayor Morales oph 10:48 a.m. cph

Council Member Love moved approval of the first of two readings of Ordinance No. 9622 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Morales can't use lobby. Jessica can't use lobby. Does not have access to lobby. cphuck no overlap.

Chuck ?? 1607? w michigan. if council would like to use lobby can reuse sup. Morales can both share lobby. as far as he understands. they understand.

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

MISCELLANEOUS

25. Consider an ordinance altering prima facie speed limits along certain streets in the City; authorizing 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); and ordering publication. (ENGINEERING SERVICES)

ORDINANCE NO. 9623

AN ORDINANCE ALTERING PRIMA FACIE SPEED LIMITS ALONG CERTAIN STREETS IN THE CITY; AUTHORIZING 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); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9623.

Mike Pacelli gave a brief overview stop yield school crossing master ord. speed limits different historically handled individually. decided as staff to create master ord for speed limits much like others. this first time seeing. as go through time pick up other roadways through city that require ord some existing ord go back many decades and know which streets have speed limits outside of state law. this ord creates master list and taking opportunity to rec changes to speed limits on various roadways. List of them and map in packet basically general big picture is trying to make for consistency along roadways wadley is developed west of midkif and similar east of midkif but different speed limits try to bring into consistent patterns. few locations speed limit too high or too low as developed over years.

Love when Gary Saunders left some were how going to be able to replace him, Love Miek doing EXCELLENT job and thanked for cleaning up and making easier to digest kudos.

Sparks general question if this comes up and all come up at same time.

Hotchkiss comment on areas 20 miles an hour speed limits. Mike in this ord change making change on Neeley and Chuthburt posted at 20 to 25. 25 still low reasonable rate in residential areas where curves, post warning signage but not regulatory. State law grants auth to go down to 25 but not lower. Want to bring current ord into compliance with state law.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9623 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

26. Consider an ordinance amending Title IV, "Building Regulations", Chapter 8, "Dangerous and Dilapidated Buildings", of the City Code of Midland, Texas, by Establishing Section 7, "Abatement of Substandard Buildings". (CITY ATTORNEY'S OFFICE)

ORDINANCE NO. 9624

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 8, "DANGEROUS AND DILAPIDATED BUILDINGS", OF THE CITY CODE OF MIDLAND, TEXAS, BY ESTABLISHING SECTION 7, "ABATEMENT OF SUBSTANDARD BUILDINGS", SO AS TO ESTABLISH MINIMUM STANDARDS FOR THE CONTINUED USE AND OCCUPANCY OF BUILDINGS AND AN ABATEMENT PROCESS FOR SUBSTANDARD BUILDINGS; REQUIRING THE VACATION, RELOCATION OF OCCUPANTS, SECURING, REPAIR, REMOVAL, OR DEMOLITION OF SUBSTANDARD BUILDINGS; PROVIDING FOR NOTICE AND A PUBLIC HEARING; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2017; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9624.

John O housekeeping item quite while since revisited ord addressing delapidated buildings. with changes in state law and codes basis for midland standards. Done that made clear in ord minimum standards that building owners have to comply with. Hearing for Council issue order unique to each individual building or better tailor findings rather than one ord with laundry list of buildings. some time difficult to address needs individually. now individually item and order assoc with each item. Laacy won't have to pull items.

Morales on legal description, city sends notice to legal description. John O state law requires us to . Stephen Gates send notice to owner, if mortgage or lienholder, send notice ahead of time to everyone and then after issue order give notice to everyone. Easier to do ahead of time and let everyone at public hearing. list of places requires to search. Stephen number of records bases search such as mcad, county property records, assumed names, sos, utility records as examples. ensure if someone of records has interest in property required to notify them. John required to follow state

law.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9624 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

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

Council Member Lacy moved to Josh Stralow to Parks & Recreation.; seconded by Council Member Love.

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

PUBLIC COMMENT

Isaac Garnett, 1300 E Hamby Avenue, on behalf of grandmother to express thankfulness grandmother site stories on pioneers of Midland. jolted him because lightbulb came on. Sometimes there is unknown. always know grandmotehr came to midland in 1943 built house in 1945 beent ehre ever since. worked as domestic for ppeople in midland. 3 years ago gave grandmother procl for 100 birth. couple days form now be 103. with that this week want record to be known 1915 records go back. want city of midland to know his family has footprint in fair city for a long time and very proud and thankful;. blessings and wonderful thanksgiving. Love 5 generations of his fmaily lived here and one

Adjourn 11:06 a.m.

28. 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

