

**MIDLAND CITY COUNCIL
MINUTES
July 26, 2016**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:30 a.m. on July 26, 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), and Council Member John B. Love III (District 2).

Council Members absent: Council Member Sharla Hotchkiss (District 3).

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, Utilities Director Laura Wilson, Finance Director Pam Simecka, Development Services Director Charles Harrington, Traffic Engineer Mike Pacelli, Right-of-Way Manager Ryan Farmer, Civil Engineer Josh Ferguson, Assistant City Engineer Jeff Cohen, Assistant Utilities Director Carl Craigo, Utilities Superintendent Ray Saddler, Utilities Superintendent Cory Moose, Customer Service Manager Tony Goyang, and Public Information Officer Sara Bustilloz.

Mayor Morales called the meeting to order at 9:30 a.m.

1. Receive and discuss a water update from the Utility Department regarding lake levels, treatment plants, water restrictions, conservation plans, and water rates.

Utilities Director Laura Wilson shared a PowerPoint presentation noting that water loss is now down to less than 10% per capita which is very good. She shared maps of water field locations and of long term water supply possibilities being considered by the West Texas Partnership. She reported that the lake level at Thomas will provide water for another two years with no rain and that Ivie is still low. The City maintains a modified Stage 2 drought level which allows people to water any time of the day on their two designated days per week. She briefly addressed rates noting there is a built-in increase each year.

Ms. Wilson addressed the recent free chlorine conversion and shared the postcard that went out to affected residents. They now test daily for yellow water and she shared a map of the water flushing areas. Cityworks is a program that they currently have but are not taking full advantage of its abilities. They will continue to work on that program which can be used for water billing and meter reading. They will be sending staff to training soon. They continue to do backflow prevention testing. 2,000 letters were sent out and they have received about 50% compliance.

The MBR satellite reclaimed water production facility was first discussed in 2006 and was completed in 2014. They currently have two of the four trains working. It is high maintenance but the purpose is to conserve water resources. The septic tank haulers

program is their best success story noting it is now much calmer at the sewer plant, their biological indicators have improved by 10%, and they no longer have digester foaming.

Pioneer is still in contact regarding reclaimed water sales, and the Sprayberry Plant Farm is working on their pump station. The water plant is converting to liquid ammonia and they are no longer under enforcement order for the THMs. Their levels have been well below for nearly six months. All elevated storage tanks are on line. She reviewed their infrastructure noting they have 655 miles of sewer lines and 11,000 manholes. The sanitary sewer overflow agreement has been terminated and they are reviewing it to see if they would like to go back in again.

In the future they will be doing lead and copper sampling, improvements at the wastewater plant and Sprayberry, reviewing their backflow program, increasing public education, and looking at irrigation meters for commercial customers.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:58 a.m.

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., July 26, 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), and Council Member John B. Love III (District 2).

Council Members absent: 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: 1, 2, 3, 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 6, 8, 9, 19, 20, 21, 22, 23, 24, 25, 26, 27.

Mayor Morales called the meeting to order at 10:05 a.m.

OPENING ITEMS

1. Invocation - Monsignor Larry Droll, Saint Ann's Catholic Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to: None.

PUBLIC COMMENT

4. 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.)

Lisa Grissom, Tall City Blues Fest, presented certificates of appreciation and recognized several Midland Police Department Officers for going beyond the call of duty during the storm that hit on Friday night of the Tall City Blues Fest.

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 5 - 18 excluding 6, 8, and 9; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss.

5. Approved a motion approving the following minutes:
 - a. Regular meeting of July 12, 2016.
7. Approved a resolution authorizing the issuance of a request for proposals for Emergency Medical Dispatch Software for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2016 - 221

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR EMERGENCY MEDICAL DISPATCH SOFTWARE FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT; SAID SOFTWARE WILL PROVIDE AUTOMATED TOOLS TO EMERGENCY SERVICE DISPATCHERS TO USE IN THE COURSE OF DISPATCHING EMERGENCY SERVICES TO THE PUBLIC
10. Approved a resolution approving specifications and authorizing advertisement for bids for the De Zavala Lift Station Rehabilitation Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2016 - 224

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE DE ZAVALA LIFT STATION REHABILITATION PROJECT FOR THE UTILITIES DEPARTMENT
11. Approved a resolution approving a professional services agreement with HDR Engineering, Inc. for manhole rehabilitation professional design and bid services for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2016 - 225

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., FOR DESIGN AND BID SERVICES FOR CERTAIN MANHOLE REHABILITATION WORK IN MIDLAND DRAW
12. Approved a resolution approving the sole source purchase of Sample Master Modules and Professional Services from Accelerated Technology Laboratories, Inc. for \$94,187.00 for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2016 - 226

RESOLUTION APPROVING THE SOLE SOURCE PURCHASE OF SAMPLE MASTER MODULES AND ASSOCIATED PROFESSIONAL SERVICES FOR THE UTILITIES DEPARTMENT'S LABORATORY INFORMATION MANAGEMENT SYSTEM FROM ACCELERATED TECHNOLOGY LABORATORIES, INC., AT A TOTAL COST OF \$94,187.00

13. Approved a resolution authorizing the adoption of the City of Midland's 2016-2017 Second Year Action Plan to the Consolidated Plan for Community Development (October 2015 – September 2020) and authorizing the execution of the Community Development Block Grant funds for Fiscal Years 2016-2017. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 227

RESOLUTION AUTHORIZING THE ADOPTION OF THE CITY OF MIDLAND'S 2016-2017 ACTION PLAN TO THE CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT AND HOUSING FUNDS FOR THE CITY'S FISCAL YEARS 2016-2020; THE CONSOLIDATED PLAN HAVING BEEN APPROVED BY RESOLUTION NUMBER 2015-223; AND AUTHORIZING THE EXECUTION OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

14. Approved a resolution accepting a 0.08 acre Drainage Easement, located in Lot 1, Block 5, Devon Addition Section 5, for the purpose of constructing and maintaining public drainage facilities and any ancillary public use; authorizing the execution of said Drainage Easement, and ordering recordation by the City Secretary (City of Midland, Midland County). (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 228

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.08-ACRE DRAINAGE EASEMENT LOCATED IN LOT 1, BLOCK 5, DEVON ADDITION, SECTION 5, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

15. Approved a resolution accepting a 0.29 acre Drainage, Sewer, and Waterline Easement and authorizing the execution of said Easement, and ordering recordation by the City Secretary (City of Midland, Midland County). (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 229

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.29-ACRE DRAINAGE, SEWER AND WATER LINE EASEMENT LOCATED IN LOT 1, BLOCK 5, DEVON ADDITION, SECTION 5, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

16. Approved a resolution authorizing the renewal of an Operating Certificate for A-1 Taxi Cab Service. (POLICE)

RESOLUTION NO. 2016 - 230

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR GUADALUPE MOORE DBA A-1 TAXI CAB SERVICE TO OPERATE A TAXICAB BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

17. Approved a resolution approving a Discharge License for Borets U.S., Inc. (UTILITIES)

RESOLUTION NO. 2016 - 231
RESOLUTION AUTHORIZING THE EXECUTION OF A SANITARY SEWER DISCHARGE LICENSE AGREEMENT WITH BORETS U.S., INC., FOR THE PURPOSE OF DISCHARGING EFFLUENT AT 2222 COMMERCE DRIVE, MIDLAND, TEXAS

18. Approved a resolution approving a Lease Agreement with WWC Texas RSA LLC DBA Verizon Wireless. (UTILITIES)

RESOLUTION NO. 2016 - 232
RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH WWC TEXAS RSA LLC DBA VERIZON WIRELESS FOR CELLULAR PHONE ANTENNA SPACE AT THE SHELL STREET ELEVATED WATER TOWER

The following items were pulled from Consent Agenda and considered individually.

6. Consider a resolution approving the issuance of a request for proposals for the development of two (2) City-owned downtown properties described as 301 North Colorado Street and 310 West Illinois Avenue for the Administration Department. (PURCHASING)

RESOLUTION NO. 2016 - 220
RESOLUTION AUTHORIZING ADVERTISEMENT OF A REQUEST FOR PROPOSALS FOR DEVELOPMENT OF CITY-OWNED PROPERTIES DESCRIBED AS LOT 7A, BLOCK 27, ORIGINAL TOWN, SECTION 3 (301 NORTH COLORADO STREET), AND LOT 13A, BLOCK 27, ORIGINAL TOWN, SECTION 3 (310 WEST ILLINOIS AVENUE), BOTH BEING LOCATED IN THE DOWNTOWN AREA OF THE CITY OF MIDLAND, TEXAS

Council Member Sparks suggested the deadline be extended to allow more bids and that the properties be allowed to be bid separately. Consensus was received to move the deadline to September 30th.

Council Member Sparks moved to adopt Resolution No. 2016 - 220 with the amendment to the Request for Proposals to extend the submission deadline and to allow bidding on one or both pieces of property; seconded by Council Member Love. The motion carried by the following vote: AYE: Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss.

8. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Washington Aquatic Center Renovation Project for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 222
RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE WASHINGTON AQUATIC CENTER RENOVATION PROJECT

Council Member Sparks suggested that before this goes to bid it should be determined how it will be funded. City Manager Courtney Sharp reported that it could be funded

from the unappropriated fund balance or from a Certificate of Obligation issuance but staff wanted to get firm prices prior to making a funding recommendation.

Parks & Recreation Manager Laurie Williams noted that staff is trying to keep to a tight schedule which would allow the pool to be reconstructed and open next year. If that does not happen there will be approximately \$500,000 to \$750,000 in repairs that will need to be made prior to reopening next year.

Council Member Love moved to adopt Resolution No. 2016 - 222; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: Sparks. ABSENT: Hotchkiss.

9. Consider a resolution approving the issuance of a request for proposals for a Body Worn Camera System for the Police Department. (PURCHASING)

RESOLUTION NO. 2016 - 223

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR A BODY-WORN CAMERA SYSTEM FOR THE MIDLAND POLICE DEPARTMENT; SAID SYSTEM WILL INCLUDE BODY-WORN CAMERAS, MANAGEMENT SOFTWARE, STORAGE SOLUTIONS FOR EVIDENTIARY DIGITAL MEDIA/FILES, SUPPORTING EQUIPMENT, AND A FIVE (5) YEAR WARRANTY, MAINTENANCE AND UPGRADE PLAN

Council Member Lacy asked for a brief overview. Police Chief Price Robinson noted that a committee of patrol officers has been working on this project for 18 months. The project is for body worn cameras. He felt it is the right thing to do for the police, the citizens, and all involved. They have looked at hardware, software, policies and training procedures and would like to go out for proposals for a turnkey system. They need 133 cameras. The price variance is for information stored in-house or on a cloud.

Council Member Lacy moved to adopt Resolution No. 2016 - 223; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss.

Mayor Morales recognized Chief Information Officer Sharlett Chowning noting it was her last meeting prior to her retirement and thanked her for her service to Midland.

PUBLIC HEARINGS

19. Hold a public hearing and consider an ordinance on a City-initiated request to change the name of the portion of Green Tree Boulevard that is generally located on the east side of North Big Spring Street, approximately 790-feet north of Maverick Lane. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9582

AN ORDINANCE CHANGING THE NAME OF THE PORTION OF GREEN TREE BOULEVARD THAT IS ADJACENT TO LOT 7, BLOCK 2, LONE STAR BUSINESS PARK, SECTION 2, LOTS 20, 21 AND 36, BLOCK 2, AND LOT 1, BLOCK 5, LONE STAR TRAILS, AND LOTS 16, 17, 26, 27, 32 AND 33, BLOCK 5, LONE STAR TRAILS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 790 FEET

NORTH OF MAVERICK LANE), TO "OCCIDENTAL PARKWAY"; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND DIRECTING THE CITY SECRETARY TO SEND THE MIDLAND EMERGENCY COMMUNICATIONS DISTRICT A CERTIFIED COPY OF THIS ORDINANCE

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9582.

Development Services Director Chuck Harrington gave a brief overview of the item noting that recently Council changed a portion of Green Tree Boulevard to Occidental Parkway. It is now staff's recommendation to rename the portion of Green Tree Boulevard, that is located to the east of Big Spring, to Occidental Parkway.

Mayor Morales opened the public hearing at 10:35 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. 9582 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss.

20. Hold a public hearing and consider an ordinance on a request by Strategic Restaurant Concepts, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on premises consumption, in a restaurant generally located on the south side of West Loop 250 North, approximately 220-feet west of North Midkiff Road. (Development Services)

ORDINANCE NO. 9583

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 7, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 220 FEET WEST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, 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. 9583.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant was requesting to sell alcoholic beverage in a restaurant. No schools or churches are located within 300 feet. Their hours of service will be Monday through Friday from 4:00 p.m. to 12:00 a.m., Saturday from 11:00 a.m. to 12:00 a.m. and Sunday from 11:00 a.m. to 11:00 p.m. Additionally they are requesting signage that shows they sell alcoholic beverages. No letters of objection have been received and staff recommends approval of both aspects of the request.

Mayor Morales opened the public hearing at 10:38 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. 9583 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss.

21. Hold a public hearing and consider an ordinance on a request by the City of Midland for the vacation of a 0.55-acre portion of North Loraine Street right-of-way generally located between West Texas Avenue and West Wall Street, approximately 300-feet west of North Main Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9584

AN ORDINANCE VACATING AND ABANDONING A 0.55-ACRE PORTION OF NORTH LORAIN STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 13-24, BLOCK 54, AND BLOCK 55, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED BETWEEN WEST TEXAS AVENUE AND WEST WALL STREET, APPROXIMATELY 300 FEET WEST OF NORTH MAIN STREET); THE CITY OF MIDLAND BEING THE OWNER OF ALL ABUTTING PROPERTY; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9584.

Development Services Director Chuck Harrington gave a brief overview of the item noting it was a request for vacation of a portion of Loraine Street that was previously closed for Centennial Park but never completely vacated. There is a transformer box that will need to be relocated and the City will maintain the blanket utility easement for the waterline. No letters of objection have been received and staff recommends approval.

Mayor Morales opened the public hearing at 10:40 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9584 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss.

22. Hold a public hearing and consider an ordinance on a request by SB Hospitality Corporation for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant generally located southwest of the intersection of West Loop 250 North and Henry Koontz Boulevard. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9585

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 7, BLOCK 44, FAIRMONT PARK ADDITION, SECTION 27, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST LOOP 250 NORTH AND HENRY KOONTZ BOULEVARD), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, 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. 9585.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a request to sell alcohol at Chuck E. Cheese's. They originally had a SUP that expired in 2004 and they would like to institute a new SUP. Their hours of service would be Sunday through Thursday from 11:00 a.m. to 9:00 p.m., Friday from 11:00 a.m. to 10:00 p.m. and Saturday from 10:00 a.m. to 10:00 p.m. No church or schools are located within 300 feet and the nearest residential structure is across Loop 250. They meet the minimum requirements and no letters of objection have been received. They have also provided additional information about their alcohol policy noting they will only sell beer or wine and will limit it to two drinks per customer. When asked how many of their restaurants sell alcohol he reported he has been told it is 70 percent of their locations.

Council Member Love reported his research revealed they are appealing to millennial moms who would like to have a glass of wine with friends while their kids are playing together.

Mayor Morales opened the public hearing at 10:44 a.m.

Cristi Owens, 4703 W. Loop 250 N., reported they had a permit when they first opened but they never served alcohol. They are now pursuing that option at the request of their guests. They support a family-friendly environment but they are also a restaurant that is constantly trying to expand their appeal to the millennial generation. Corporate has a strict policy of a two-drink limit and every customer is required to show ID. A customer cannot buy two drinks unless both guests are present to show their ID. Their serving size is six ounces and the most any customer could consume in a visit would be 12 ounces. Every staff member will be TABC Certified and they have strict corporate training, cameras on site and each time a person buys a drink their name is recorded.

Brayden Woods, 3519 Humble, checked other family-friendly restaurants and Mr. Gatti's Pizza does not serve alcohol nor do they expect to ever serve alcohol.

There being no one else wishing to speak, the public hearing was closed at 10:49 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9585 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Council Member Sparks reported he planned to vote against this item and still has some reservations, but appreciates their corporate policy and hopes they hold true to it. Council Member Lacy felt it was the most responsible alcohol policy he has ever heard and he too has changed his mind.

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

23. Hold a public hearing and consider an ordinance on a request by Manor Park for a Zone Change from 1F-1, One-Family Dwelling District, in part, MF-1, Multiple-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, and MF-2, Multiple-Family Dwelling District, in part, to PD, Planned District for a Housing Development generally located on Sinclair Avenue, approximately 290-feet east of North Loop 250 West. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9586

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING TRACTS 14, 15, 16, AND 17, WALLACE HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, IN PART, MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, MF-2, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, AND TH, TOWNHOUSE DWELLING DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE SOUTH SIDE OF SINCLAIR AVENUE, APPROXIMATELY 290 FEET EAST OF 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.9586.

Development Services Director Chuck Harrington gave a brief overview of the item noting that Manor Park is proposing an expansion of their existing site. The zone changes needed will be included in their PD and will be in line with what is currently in existence. The proposed site will support 75 building sites with a maximum density of 4.8 dwelling units per acre. The proposed landscaping meets city standards and adequate parking will be provided. Staff recommends approval subject to the conditions in the report. No letters of objection have been received.

Mayor Morales opened the public hearing at 10:54 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. 9586 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss.

24. Hold a public hearing and consider an ordinance on a request by Midland Piano Partners for a Zone Change from PD, Planned District for a Shopping Center, to LR-2, Local Retail District, on Lot 1A, Block 6, Crestgate Addition, Section 28, City and County of Midland, Texas. (Generally located northwest of the intersection of West Loop 250 North and Crestfield Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9587

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

PERMITTING LOT 1A, BLOCK 6, CRESTGATE ADDITION, SECTION 28, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF WEST LOOP 250 NORTH AND CRESTFIELD STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington noted that the applicant withdrew his application.

25. Hold a public hearing and consider an ordinance on a request by John Cole Stout for a vacation of the 0.012-acre portion of North B Street right-of-way, located adjacent to Lot 7, Block 23, High School Addition, City and County of Midland, Texas. (Generally located northeast of the intersection of North B Street and West Kansas Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9588

AN ORDINANCE VACATING AND ABANDONING A PORTION OF NORTH B STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOT 7, BLOCK 23, HIGH SCHOOL ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST KANSAS AVENUE AND NORTH B STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$1,045.44; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9588.

Development Services Director Chuck Harrington gave a brief overview of the item noting that the home was built across the right-of-way line. They are attempting to sell the property but this must be cleared up prior to the sale. Staff is recommending that a portion of the right-of-way be vacated so it can be incorporated into their property. The total value of the land is \$1,045.44. No utilities are located in the right-of-way, three letters of objection have been received, and staff recommends approval of the request.

Council Member Lacy reported that the individual inherited the property from his father and the home is located two feet into the right-of-way. It was reported that an expansion on the house happened in 1997 and that on the surface, nothing will change with this property.

Mayor Morales opened the public hearing at 10:58 a.m.

Chrissie Mee, 900 W. Kansas, lives across the street from the subject property. She asked if this would affect her in any way such as a future road widening taking up more of her property. Development Services Director Chuck Harrington reported this was a residential street and could not see that widening would ever be done. However, if it was, it should be able to be accomplished within the existing right-of-way.

There being no one else wishing to speak, the public hearing was closed at 11:00 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9588 in accordance with the Charter of the City of Midland; seconded by Council

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

MISCELLANEOUS

26. Consider a resolution declaring expectation to reimburse expenditures with proceeds of future debt. (FINANCE)

RESOLUTION NO. 2016 - 233

A RESOLUTION DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT.

Finance Director Pam Simecka reported this resolution allows the option to reimburse expenses for the Midland Center after the issuance of Certificate of Obligations.

Council Member Dufford moved to adopt Resolution No. 2016 - 233; seconded by Council Member Love. The motion carried by the following vote: AYE: Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss.

27. Consider a motion appealing the Building Official's denial of a sign permit application by Texas Republic Signs for the Stripes located at 11200 Highway 191, Midland, Texas. (Generally located on the northeast corner of the intersection of FM 1788 and Highway 191.) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting it was for a Stripes sign permit. The maximum allowable square footage is 360 square feet and the applicant has reduced their request to 696.5 square feet which is still in excess of what is allowed. Other Stripes locations have met the sign requirements. Previous variances were granted for Love's Truck Stop and Pilot which both were I-20 locations.

Council Member Love moved to approve a motion appealing the Building Official's denial of a sign permit application by Texas Republic Signs for the Stripes located at 11200 Highway 191, Midland, Texas; seconded by Council Member Sparks. The motion failed by the following vote: AYE: Love, Sparks, Morales. NAY: Dufford, Lacy, Robnett. ABSTAIN: None. ABSENT: Hotchkiss.

All of the business at hand having been completed, the meeting adjourned at 11:08 a.m.

PASSED AND APPROVED the 9th day of August, 2016.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary