

**MIDLAND CITY COUNCIL
MINUTES
January 22, 2019**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on January 22, 2019.

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

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Police Chief Seth Herman, Fire Chief Chuck Blumenauer, Utilities Director Laura Wilson, Administrative Services Director Mark Widmann, 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 Jeffery Ahrlett, Planning Division Manager Cristina Odenborg, Building Official Steve Thorpe, and Public Information Officer Elana Ladd.

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., January 22, 2019.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem Spencer Robnett (At-Large), Council Member Michael Trost (At-Large), Council Member Scott Dufford (District 1), Council Member John B. Love III (District 2), Council Member Sharla Hotchkiss (District 3), 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 and Assistant City Manager Morris Williams.

The Agenda Items were heard in the following order:

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

OPENING ITEMS

10:06

1. Invocation - Pastor Robert Pase, Grace Lutheran Church
2. Pledge of Allegiance

PRESENTATIONS

Lacy presented Crime Stoppers. (b)

Robnett Midland volunteers. (a)

2018 617 volunteer 71,034 hours value 1,753,829.46. through 39 local agencies in town. Since 25th anniversary bigger one over 25 years since 1998 supplied volunteers contrib 2,018,254 hours of community service to the County of Midland thorough various locations volunteers 55 years or older and want to find ay to give back \$43,098,357.00.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Receive a presentation from Midland Retired Seniors Volunteer Program.
 - b. Presentation of a Proclamation for Crime Stoppers Month

CONSENT AGENDA

4. Approved a motion approving the following minutes:

Council Member Love moved to approve Consent Agenda items 4 - 20 excluding 12; seconded by Council Member Robnett.

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

- a. Special City Council meeting of January 7, 2019

Council Member Love moved to approve Consent Agenda items 4 - 20 excluding 12; seconded by Council Member Robnett.

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

- b. Regular City Council meeting of January 8, 2019

Council Member Love moved to approve Consent Agenda items 4 - 20 excluding 12; seconded by Council Member Robnett.

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

5. Approved a resolution approving the purchase of a Cloudistics Processor Node, Storage Server and Primary Site Compute Node for the Airport data backup site and main data center through Buyboard contract 579-19 from the EST Group, LLC of Arlington, Texas for a total cost of \$147,500.00 for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2019 - 016

RESOLUTION APPROVING THE PURCHASE OF A CLOUDISTICS PROCESSOR NODE, STORAGE SERVER AND A PRIMARY SITE COMPUTE NODE FROM EST GROUP, LLC OF ARLINGTON, TEXAS, THROUGH BUYBOARD AT A TOTAL COST OF \$147,500.00

Council Member Love moved to approve Consent Agenda items 4 - 20 excluding 12; seconded by Council Member Robnett.

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

6. Approved a resolution awarding a contract for the Community Development Block Grant (CDBG) Sidewalk Improvements Project - Phase II for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 017

RESOLUTION AWARDING A CONTRACT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT SIDEWALK IMPROVEMENTS PROJECT - PHASE II TO SPEEDCRETE, INC., FOR A TOTAL COST NOT TO EXCEED \$614,600.00; AND APPROPRIATING FUNDS THEREFOR

Council Member Love moved to approve Consent Agenda items 4 - 20 excluding 12; seconded by Council Member Robnett.

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

7. Approved a resolution approving plans and specifications and authorizing advertisement for bids for Grafa Park Storm Drain Replacement Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 018

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE GRAFA PARK STORM DRAIN REPLACEMENT PROJECT; SAID PROJECT WILL PROVIDE FOR DRAINAGE IMPROVEMENTS IN THE AREA GENERALLY LOCATED ALONG MIDKIFF ROAD, FROM GRAFA PARK TO GOLF COURSE ROAD

Council Member Love moved to approve Consent Agenda items 4 - 20 excluding 12; seconded by Council Member Robnett.

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

8. Approved a resolution awarding professional services agreements to three (3) firms for On Call Architectural Services for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 019

RESOLUTION APPROVING THE SELECTION OF RHOTENBERRY WELLEN ARCHITECTS & PLANNERS, INC., PARKHILL, SMITH & COOPER, INC., AND REHLER, VAUGH & KOONE, INC., TO ASSIST THE GENERAL SERVICES DEPARTMENT BY PROVIDING PROFESSIONAL ARCHITECTURAL SERVICES AND SERVICES PROVIDED IN CONNECTION THEREWITH ON AN AS-NEEDED BASIS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH EACH FIRM; PROVIDING THAT EACH AGREEMENT SHALL BE FOR A TERM NOT TO EXCEED THREE YEARS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF TASK ORDERS IN ACCORDANCE WITH SUCH AGREEMENTS; PROVIDING THAT ANY TASK ORDER EXCEEDING \$50,000.00 SHALL NOT BE EFFECTIVE UNLESS APPROVED BY THE CITY COUNCIL; PROVIDING THAT THE TOTAL COST TO THE CITY FOR ALL TASK ORDERS EXECUTED EACH YEAR IN ACCORDANCE WITH SAID AGREEMENTS SHALL NOT EXCEED \$1,500,000.00 PER YEAR; AND AUTHORIZING PAYMENT THEREFOR

Council Member Love moved to approve Consent Agenda items 4 - 20 excluding 12; seconded by Council Member Robnett.

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

9. Approved a resolution approving the purchase of three (3) 2-3 Yard Dump Bodies and one (1) Utility Service Body for the Garage Division. (PURCHASING)

RESOLUTION NO. 2019 - 020

RESOLUTION APPROVING THE PURCHASE OF (i) THREE (3) 2-3 CUBIC YARD DUMP BODIES FROM BTE BODY COMPANY, INC., AT A TOTAL COST OF \$89,850.00 AND (ii) ONE (1) UTILITY SERVICE BODY FROM FABCO INDUSTRIES, LLC, AT A TOTAL COST OF \$18,350.00 FOR THE GARAGE DIVISION

Council Member Love moved to approve Consent Agenda items 4 - 20 excluding 12; seconded by Council Member Robnett.

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

10. Approved a resolution awarding a professional services agreement to Enprotec/Hibbs & Todd, Inc. (EHT) for the design of Airport Lift Station Improvements for the Utilities

Department. (PURCHASING)

RESOLUTION NO. 2019 - 021

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD, INC., TO PROVIDE DESIGN AND ENGINEERING SERVICES FOR THE DESIGN OF AIRPORT LIFT STATION IMPROVEMENTS FOR THE CITY OF MIDLAND, FOR A TOTAL COST OF \$192,000.00

Council Member Love moved to approve Consent Agenda items 4 - 20 excluding 12; seconded by Council Member Robnett.

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

11. Approved a resolution approving the issuance of a request for qualifications for professional services to develop, implement and support an Industrial Pretreatment Program for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 022

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES TO DEVELOP, IMPLEMENT AND SUPPORT AN INDUSTRIAL PRETREATMENT PROGRAM FOR THE UTILITIES DEPARTMENT

Council Member Love moved to approve Consent Agenda items 4 - 20 excluding 12; seconded by Council Member Robnett.

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

12. Approved a resolution declaring the City of Midland support of the Priority Midland initiative and authorizing participation of Mayor Jerry F. Morales and City Manager Courtney Sharp to represent the City of Midland herein. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 023

RESOLUTION DECLARING THE CITY OF MIDLAND'S SUPPORT OF THE PRIORITY MIDLAND INITIATIVE; AND AUTHORIZING THE PARTICIPATION OF THE MAYOR AND CITY MANAGER AS REPRESENTATIVES OF THE CITY OF MIDLAND

Trost what does this commit COM to do besides support? Mayor through priority Midland is taxing entity provide resolutions of support. Council understands working toward community private/public challenges such as housing/day care huge challenges. formed to begin discussions of addressing those needs and challenges within community and developing ideas opportunities to get passed challenges. this is sjust a resolution of support and will be pres city wide feb 11 wherre pbulic will better understand and learn more. Trost have not seen mission statement. Morales don't want to be in position when oil hits \$100 wish we should of done something 2 years ago why finding in same position. There are bonds that might come down pipeline if on roads or education what is possible priority and how address with community. Trost down line got to be money somewhere. INitial commitment is \$4m from MDC seed

money and it will be used to retain a consultant to develop strategy and hope for future money from other entities. Robnett this has been ongoing for several months. The follow-up for members should go through CMO. Trost is that the best use of these taxpayers' dollars. That decision was made by this council in December. Council offered to sit down with Trost to answer questions. Dufford all believes this is a small investment that will leverage into bigger things down the road. Need to know more information before can support.

Council Member Love moved to adopt Resolution No. 2019 - 023; seconded by Council Member Lacy.

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

13. Approved a motion to adopt the Schedule for CDBG Application Cycle, 2019-2020 Action Plans. (DEVELOPMENT SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 20 excluding 12; seconded by Council Member Robnett.

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

14. Approved a resolution authorizing the City Manager to execute a produced water disposal site lease agreement between the City of Midland and Impetro Operating, LLC, located Section 25, Block C-23, Public School Land Survey, Winkler County, Texas. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 024

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF MIDLAND AND IMPETRO OPERATING, LLC, FOR A PRODUCED WATER DISPOSAL SITE LOCATED ON CITY-OWNED PROPERTY DESCRIBED AS SECTION 25, BLOCK C-23, PSL SURVEY, WINKLER COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 20 excluding 12; seconded by Council Member Robnett.

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

15. Approved a motion authorizing the City Comptroller to pay the Midland-Odessa Urban Transit District (MOUTD) in an amount not to exceed \$200,000.00 per month for the purpose of temporarily funding MOUTD operations during the Federal government shutdown; directing that said funds be paid from the General Fund Misc. Accounts Receivable Account (001-11950); providing that upon receipt of reimbursement funds from MOUTD, the City Treasurer shall deposit such funds into the Misc. Accounts Receivable Account (001-11950); and authorizing the City Manager to negotiate and execute all documents necessary for such purposes. (DEVELOPMENT SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 20 excluding 12; seconded by Council Member Robnett.

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

16. Approved a motion on request by Maverick Engineering, to defer wastewater, paving and sidewalk improvements for High Sky Addition, and to waive the corresponding financial security guarantee valued at \$324,168.00, an amount equal to the estimated cost of construction. The subject property is generally located on the south side of West County Road 60, approximately 1,200 feet west of State Highway 158, outside the corporate limits of the City of Midland, in Midland County. (ETJ) (ENGINEERING SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 20 excluding 12; seconded by Council Member Robnett.

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

17. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and ETC Texas Pipeline, LTD said Right-of-Way License is for entering the City of Midland's property for the purpose of use of an access road to adjacent ETC Pipeline facilities, road is located within City of Midland Spraberry Farm property, Sections 21 & 16, Block 37, Township 3 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 025

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ETC TEXAS PIPELINE, LTD., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 16 AND 21, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 20 excluding 12; seconded by Council Member Robnett.

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

18. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Endeavor Energy Resources, L.P., said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing a temporary lay flat water line, pipeline is located within City of Midland Plant Farm property, Sections 5 & 4, Block 38, Townships 1 & 2 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 026

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ENDEAVOR ENERGY RESOURCES, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 4 AND 5, BLOCK 38, TOWNSHIPS 1 AND 2 SOUTH, T&P RR CO. SURVEY, MIDLAND

COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 20 excluding 12; seconded by Council Member Robnett.

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

19. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Endeavor Energy Resources, L.P., said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing a 10" poly disposal water line, pipeline is located within City of Midland Plant Farm property, Sections 5, 8 & 9, Block 38, Townships 1 & 2 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 027

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ENDEAVOR ENERGY RESOURCES, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 5, 8 AND 9, BLOCK 38, TOWNSHIPS 1 AND 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 20 excluding 12; seconded by Council Member Robnett.

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

20. Approved a resolution authorizing funding for real property interests necessary or appropriate as is usual and customary in connection therewith at or near the following described location: Intersection of West Cuthbert Avenue, West 300 feet and East 600 feet from North Garfield. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 028

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, ANY REAL PROPERTY INTERESTS NECESSARY OR APPROPRIATE, BY ANY INSTRUMENTS OF CONVEYANCE NECESSARY OR APPROPRIATE, FOR THE USE AND BENEFIT OF THE PUBLIC FOR STREET, ROAD, PEDESTRIAN ACCESS, DRAINAGE AND PUBLIC UTILITY PURPOSES, AND FOR ANY OTHER ANCILLARY PUBLIC USE AS IS USUAL AND CUSTOMARY IN CONNECTION THEREWITH (1) ALONG THE SOUTH SIDE OF WEST CUTHBERT AVENUE FROM A POINT APPROXIMATELY 300 FEET WEST OF NORTH GARFIELD STREET TO A POINT AT OR NEAR THE INTERSECTION OF WEST CUTHBERT AVENUE AND NORTH GARFIELD STREET, AND (2) ALONG THE NORTH SIDE OF WEST CUTHBERT AVENUE FROM A POINT APPROXIMATELY 600 FEET EAST OF NORTH GARFIELD STREET TO A POINT AT OR NEAR THE INTERSECTION OF WEST CUTHBERT AVENUE AND NORTH GARFIELD STREET; AUTHORIZING THE CITY MANAGER TO OBTAIN APPRAISALS, NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS, INCLUDING PURCHASE AND SALE AGREEMENTS OR OTHER SUCH AGREEMENTS, PURCHASE TITLE INSURANCE POLICIES AND HOLD THE

CLOSINGS FOR SAID ACQUISITIONS; APPROPRIATING FUNDS; AUTHORIZING PAYMENT FOR SAID APPRAISALS, REAL PROPERTY INTERESTS, TITLE INSURANCE POLICIES AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, ALL INSTRUMENTS OF CONVEYANCE

Council Member Love moved to approve Consent Agenda items 4 - 20 excluding 12; seconded by Council Member Robnett.

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

SECOND READINGS

21. Consider an ordinance on second reading on a request by Meredith Burgess for a Special Exception from the City of Midland Zoning Ordinance, Section 11-1-7-Area, yard structure, parking and miscellaneous lot and use regulations concerning the front yard setback for the construction of a pool on Lots 37 and 38, Block 5, Midkiff Plaza Addition, City and County of Midland, Texas, (generally located on the north side of Tealwood Place, approximately 230-feet east of Whitney Drive.) (DEVELOPMENT SERVICES) (First reading held January 8, 2019.)

ORDINANCE NO. 9868

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 37 AND 38, BLOCK 5, MIDKIFF PLAZA ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF TEALWOOD PLACE, APPROXIMATELY 230 FEET EAST OF WHITNEY DRIVE), BY PERMITTING A REDUCED FRONT YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9868.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9868 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

22. Consider an ordinance on second reading on a request by Midland Independent School District, for the initial zoning of a 123.28-acre tract located in Section 37 and 48, Block 40, T-1-S, T&P RR Co Survey, Midland County, Texas. (Generally located approximately 703-feet west of the intersection of Tradewinds Boulevard and Thomason Drive.) (DEVELOPMENT SERVICES) (First reading held January 8, 2018)

ORDINANCE NO. 9869

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA

INDICATED AS BEING A 123.28-ACRE TRACT OF LAND OUT OF SECTIONS 37 AND 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS A 1F-3, ONE-FAMILY DWELLING DISTRICT; SAID TRACT BEING GENERALLY LOCATED APPROXIMATELY 703 FEET WEST OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9869.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9869 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

23. Consider an ordinance on second reading on a request by PROFFUTT Limited Partnership, for the initial zoning of an 8.464-acre tract located in Section 38, Block 40, T-1-S, T&P. RR. Co. Survey, Midland County, Texas, (generally located approximately 896-feet south of State Highway 191 and 1,020-feet west of Avalon Drive.) (DEVELOPMENT SERVICES) (First reading held January 8, 2018)

ORDINANCE NO. 9870

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 3.199-ACRE TRACT OF LAND AND A 5.266-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN LR-2, LOCAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED APPROXIMATELY 896 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 1,020 FEET WEST OF AVALON DRIVE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9870.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9870 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

24. Consider an ordinance on second reading on a request by PROFFUTT Limited Partnership, for the initial zoning of an 16.946-acre tract located in Section 38, Block 40, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located approximately 1,081-feet south of State Highway 191 and 1,020-feet west of Avalon Drive.) (DEVELOPMENT SERVICES) (First reading held January 8, 2018)

ORDINANCE NO. 9871

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 16.946-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; SAID TRACT BEING GENERALLY LOCATED APPROXIMATELY 1,081 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 1,020 FEET WEST OF AVALON DRIVE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9871.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9871 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

25. Consider an ordinance on second reading on a request for annexation of a 21.30-acre tract located in Section 38, Block 40, T-1-S, T&P RR Co. Survey, and a 6.975-acre right-of-way out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located approximately 688-feet south of State Highway 191 and 2,287-feet west of Avalon Drive.) (DEVELOPMENT SERVICES) (First reading held January 8, 2018)

ORDINANCE NO. 9872

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 21.30-ACRE TRACT OF LAND AND A 6.975-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED APPROXIMATELY 688 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 2,287 FEET WEST OF AVALON DRIVE); APPROVING A PUBLIC SERVICE PLAN; ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9872.

Council Member Love moved to approve the second and final reading of Ordinance No. 9872 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

26. Consider an ordinance on second reading on a request for annexation of a 28.84-acre tract located in Section 8, Block 40, T-2-S, T&P RR Co Survey, Midland County, Texas. (Generally located at the southeast corner of the intersection of South Farm-to-Market Road 1788 and Loop 40.) (DEVELOPMENT SERVICES) (First reading held January 8, 2018)

ORDINANCE NO. 9873

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 28.84-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH FARM-TO-MARKET ROAD 1788 AND LOOP 40); APPROVING A PUBLIC SERVICE PLAN; ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9873.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9873 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

27. Consider an ordinance on a second reading by Blue Beacon International, Inc. for a vacation of the 0.907-acre portion of East Taylor Avenue of the SE/4 of Section 1, Block 39, T-2-S, T&P. RR. Co. Survey, City and County of Midland, Texas. (Generally located approximately 711-feet east of King Street and approximately 312-feet west of South Fairgrounds Road.) (DEVELOPMENT SERVICES) (First reading held January 8, 2018)

ORDINANCE NO. 9875

AN ORDINANCE VACATING AND ABANDONING A 0.907-ACRE PORTION OF EAST TAYLOR AVENUE RIGHT-OF-WAY OUT OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 732 FEET SOUTH OF GARDEN CITY HIGHWAY, APPROXIMATELY 711 FEET EAST OF KING STREET, AND APPROXIMATELY 312 FEET WEST OF SOUTH FAIRGROUNDS ROAD); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$27,210.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9875.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9875 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

Dan Morse understand appraisal district came back with \$27,210 dedicating row for new taylor road very close to that same amount thought it would be an offset amount instead of direct cost. Consider offsetting new dedicated road. John amendment is reflected in Ordinance.

28. Consider an ordinance on second reading on a request by VCZ Development for a Zone Change from O-1, Office District to MF-2, Multiple-Family Dwelling District on Lot 1,

Block 5, Hollandale Heights Addition Resubdivision Blocks 3-9, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of North Carver Street and East Dormard Avenue.) (DEVELOPMENT SERVICES) (First reading held January 8, 2018)

ORDINANCE NO. 9876

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 5, HOLLANDALE HEIGHTS ADDITION, RESUBDIVISION OF BLOCKS 3-9, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED O-1, OFFICE DISTRICT, TO BE USED AS AN MF-2, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH CARVER STREET AND EAST DORMARD AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9876.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9876 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

29. Consider an ordinance on second reading on a request by VCZ Development for the approval of a Site Plan on Lot 1, Block 5, Hollandale Heights Addition Resubdivision Blocks 3-9, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of North Carver Street and East Dormard Avenue.) (DEVELOPMENT SERVICES) (First reading held January 8, 2018)

ORDINANCE NO. 9877

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 1, BLOCK 5, HOLLANDALE HEIGHTS ADDITION, RESUBDIVISION OF BLOCKS 3-9, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH CARVER STREET AND EAST DORMARD AVENUE); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; 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 Reyes read the caption of Ordinance No. 9877.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9877 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Lacy,

Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

PUBLIC HEARINGS

30. 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, on 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.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9878

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 Reyes read the caption of Ordinance No. 9878.

Development Services Director Chuck Harrington gave a brief overview of the item noting seeking to extend hours of alcoholic sales current ord mon - fr 4 -12 and sat 11 12 and sun 11-11. now requestign horus change mon-th 3-12 fr- sun 11-12 no schools or churches within 300 feet of property. all depts reviewed. staff rec approval. no loj.

Mayor MOrales oph 10:35 a.m. cph

Council Member Love moved approval of the first of two readings of Ordinance No. 9878 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

31. Hold a public hearing and consider an ordinance on a request by Cumberland & Western Resources, LLC, for the initial zoning of a 21.30-acre tract located in Section 38, Block 40, T-1-S, T&P RR Co Survey, and a 6.975-acre right-of-way out of Section 38, Block 40, T-1-S, T&P RR Co. Survey Midland County, Texas. (Generally located approximately 688-feet south of State Highway 191 and 2,287-feet west of Avalon Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9879

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA

INDICATED AS BEING A 21.30-ACRE TRACT OF LAND AND A 6.975-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT; SAID TRACTS BEING GENERALLY LOCATED APPROXIMATELY 688 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 2,287 FEET WEST OF AVALON DRIVE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9879.

Development Services Director Chuck Harrington gave a brief overview of the item noting recently annexed initial zoning mf1. circ to all depts and reviewed. requ in compl with comp plan. p7z rec approval 12/3. staff rec approval with initial zoning mf1. no loj as of 1/18. Love circle not icnolude roadrays. chuck?? listen 10:38 a.m.

Mayor MOrales oph 10:38 a.m. cph

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9879 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

32. Hold a public hearing and consider an ordinance on a request by Younger Partners, Ltd., for the initial zoning of a 28.84-acre tract located in Section 8, Block 40, T-2-S, T&P RR Co Survey, Midland County, Texas. (Generally located at the southeast corner of the intersection of South Farm-to-Market Road 1788 and Loop 40.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9880

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 14.97-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN LR-2, LOCAL RETAIL DISTRICT; ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 13.87-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN IP-2, INDUSTRIAL PARK DISTRICT; SAID TRACTS BEING GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH FARM-TO-MARKET ROAD 1788 AND LOOP 40; 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 Reyes read the caption of Ordinance No. 9880.

Development Services Director Chuck Harrington gave a brief overview of the item noting recently annexed initial zoning LR-2 for local retail and ip 2 industrial park. it is in compl with comp plan rec by p7z 12/3 staff rec approval.

Love entrance into airport MPO txDot pushed back 1788 widening make sure his office and jose kee pon top to ensure aesthetically pleasing entrance into airport. chuck absolutely agree important entrance for visitors. Trost along 1788 dangerous creates new concern.

Mayor Morales oph 10:40 a.m. cph

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9880 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

33. Hold a public hearing and consider an ordinance request by First Basin Credit Union for a zone change from LR-2, Local Retail District to O-2, Office District on a 2.004-acre tract of land out of Section 14, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of North Big Spring Street, approximately 1, 605-feet south of East Loop 250 North.). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9881

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.004-ACRE TRACT OF LAND OUT OF LOT 2, BLOCK 4, CORPORATE PLAZA, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 1,605 FEET SOUTH OF EAST LOOP 250 NORTH); 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 Reyes read the caption of Ordinance No. 9881.

Development Services Director gave a brief overview of the item noting applicant like to hae back property zoned to o-2 for their proposed development. approved at p7z 12/17 in compl with com plan staff rec approval no loj 1/16. Love what is brand. chuck no idea.

Mayor Morales oph 10:42 a.m. cph

Council Member Love moved approval of the first of two readings of Ordinance No. 9881 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Trost full services - Chuck no details just want to put hotel guess won't be full service with ballrooms.

The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales,

Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

34. Hold a public hearing and consider an ordinance on a request by Jara Hotels, LLC for a Specific Use Permit with Term, for the sale of all alcoholic beverages for on-premises consumption in a restaurant, on Lot 2A, Block 3, Gateway Plaza, Section 7, City and County of Midland, Texas. (Generally located on the north side of Starboard Drive, approximately 1,167-feet east of South Tradewinds Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9882

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 2A, BLOCK 3, GATEWAY PLAZA, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF STARBOARD DRIVE, APPROXIMATELY 1,167 FEET EAST OF SOUTH TRADEWINDS 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 Reyes read the caption of Ordinance No. 9882.

Development Services Director Chuck Harrington gave a brief overview of the item noting asking for special use permit for sale of alcohol bev for onsite consumption. floor plan includes dining bar and patio. mon-sat 7-1 and sun 11-12 a.m. no schools or churches 300 ft in compl with comp plan. staff rec approval.

Mayor Morales oph 10:45 a.m.

Danielle Faley 3518 Starboard mgr at hotel here in support.

Dorothy declind to sepak

cph 10:45 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9882 in accordance with the Charter of the City of Midland with change of hours mon-sat 10 a.m. 1 a.m. ; seconded by Council Member Love.

Danielle Fagley orig liquor lic at 6 a.m. and 7 a.m. mon- fri and sat and sunday do at times offer brinch which requires license hours at 7 a.m. Lacy this Council hasn't granted one before just . would liek saturday at Saturday love understand precedent but thinks its reasonable.

Hotchkiss to be consistent for last 5 years not allowed this this would be consistent with what done in past.

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

35. Hold a public hearing and consider an annexation of a 126.162-acre tract located in Section 13, Block 40, T-1-S, T&P RR Co. Survey, and a 13.537-acre tract located in Section 13, Block 40, T-1-S, T&P, RR Co. Survey, Midland County, Texas, (generally located approximately 2,630-feet east of the intersection of Mockingbird Lane and Holiday Hill Road - Extraterritorial Jurisdiction). This a public hearing only. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting applicant is requesting to annex 126.62 acres of property which would be next phase of development it came through City Council for annexation on Jan 8th voluntary. It is in compliance with Tall City comprehensive plan as of Jan 15 staff rec approval it is a ph only. Love that is unusual configuration. It has to do with layout of property. eventually it will all go to far west line. John not a natural barrier?

Mayor Morales 10:50 a.m.

Buck Benson, San Antonio, line is unusual it follows streets in this phase that will be developed next two units coming in and line follows outer street that is being annexed. Annex others as they come on line.

10:51 A.M.

36. Hold a public hearing and consider an ordinance on a request by Blue Beacon International, Inc. for a zone change from LR-2, Local Retail District, to BP, I-20 Business Park District, on a 6.82 acre tract of land out of the SE/4 of Section 1, Block 39, T-2-S, T&P. RR. Co. Survey, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of South Fairgrounds Road and East Interstate Highway 20 Frontage Road. Council District 2) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9883

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 6.823-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A BP, I-20 BUSINESS PARK DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH FAIRGROUNDS ROAD AND EAST INTERSTATE HIGHWAY 20 FRONTAGE ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9883.

Development Services Director Chuck Harrington gave a brief overview of item noting zone change to bp I-20 current use is vacant request allow to develop commercial truck wash. site plan shows will have two wash bays with two future bays inside

proposed building. request in compl with comp plan and staff reviewed and rec approval. subj to regulations. as of 1/16 no loj. Love land swap vacated land assuming it also is going to be included int he zone change but he drawing doesn't indicate as such. Chuck it iwll go to BP also.

Mayor MOrales oph 10:54 a.m.

Dan Morris, KS, want to sepak because most people don't know truck washing about 120 truck washes across country do that 24/7 all services inside close doors wash truck no other services phase one empl 55 employees and discharge all water to city. storm water excited about vacating working with neighbors he drains down on them pick up drainage and get away from us and him. maverick eng working on final plan which will show new dedication and old row. Love based on site plan enter to right and then circle back around. Morris long road to north is entrance they que from top. 13 trucks in line 11 is what we shoot for. we don't want to stack out on public roads. Hand wash power wands not brush power wands. Lacy overnight space? Morris no speed of service is what make money off it. only3 vending machiens everything access from services road. Think this last trip to midland very good experience working with staff had disagreement but worked through them all.

cph 10:58 a.m.

New TxDot configuration will have entrance to Freeway will be gone should not be any problems.

Council Member Love moved approval of the first of two readings of Ordinance No. 9883 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

MISCELLANEOUS

37. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for a permit to Drill a Non-Commercial Salt-Water Well within the City Limits, being Diamond Rio 9-1D SWD located 2,390 feet from the south line and 1,072 feet from the east line, Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located between 1,072 feet west of North Garfield extension and 2,390 feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 029

RESOLUTION APPROVING THE PLAN SUBMITTED BY PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AND USE A NON-COMMERCIAL SALT WATER DISPOSAL WELL WITHIN THE CITY LIMITS LOCATED 2,390 FEET FROM THE SOUTH LINE AND 1,072 FEET FROM THE EAST LINE, SECTION 9, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,072 FEET WEST OF THE NORTH GARFIELD STREET EXTENSION AND 2,390 FEET NORTH OF MOCKINGBIRD LANE); AND AUTHORIZING THE ISSUANCE OF A PERMIT THEREFOR

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting slat disposal well from Parsley Energy production coming off future wells in section located in County. This is between two existing locations. Tank battery outside of city north of location. facilities and wells outside in etj. variance for landscaping, fence there is a water well out there already. Dufford only reason would like to keep consistent pine trees and staff already existing that don't require water that could get trees established. 24 ft sound walls on 3 sides n,w,s. 3 houses

Justin Johns 500 W Texas, the facility for wells are going to be outside limits this well is inside city limits disposal well. tanks and everything else outside north of limits. no trucks or nothing coming in. already agreed as part of agreement no trucking no commercial activity. lacy how many days to drill. Justin run about 30 days maximum. Dufford any issues with trees. Justin will do pine trees that will be. Hotchkiss really appreciate what Parsley does with trees inside the city. planted different parks education in schools entirely appropriate adding trees to property.

Council Member Dufford moved to adopt Resolution No. 2019 - 029; seconded by Council Member Lacy.

with no variance for landscape

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

38. Approved a resolution of the City Council of the City of Midland, supporting the proposed development of affordable housing rental apartments and confirming that the city shall provide a loan, grant, reduced fee, or contribution of \$500.00 for such development; the applicant is Carver Ridge Apartments, LP; the proposed development is located at 1301 E. Dormard Avenue, Midland, Texas 79701. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 030

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, SUPPORTING THE PROPOSED DEVELOPMENT OF AFFORDABLE HOUSING APARTMENTS AND CONFIRMING THAT THE CITY SHALL PROVIDE A LOAN, GRANT, REDUCED FEE OR CONTRIBUTION OF \$500.00 FOR SUCH DEVELOPMENT; THE APPLICANT IS CARVER RIDGE APARTMENTS, LP; THE PROPOSED DEVELOPMENT IS LOCATED AT 1301 E. DORMARD AVENUE, MIDLAND, TEXAS 79705; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Development Services Director Chuck Harrington gave a brief overview of the item noting zoning and site plan for this property next step to make submittal to tx dept of housing and comm affairs for 9% housing tax credits staff rec approval.

Council Member Love moved to adopt Resolution No. 2019 - 030; seconded by Council Member Hotchkiss.

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

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

Council Member Love moved to appoint Chase Gardaphe to MDC; seconded by Council Member Lacy.

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

PUBLIC COMMENT

none.

40. 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.)

EXECUTIVE SESSION

recess to Executive Session 11:09 a.m.

41. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:

a. Section 551.087, Deliberate Economic Development Negotiations

- a.1. Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

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

PASSED AND APPROVED the __ day of ____, 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary