

**MIDLAND CITY COUNCIL
MINUTES
March 26, 2019**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on March 26, 2019.

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

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

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., March 26, 2019.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem John B. Love III (District 2), Council Member Spencer Robnett (At-Large), Council Member Michael Trost (At-Large), Council Member Scott Dufford (District 1), 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

cto 10:00 a.m.

1. Invocation - Brad Smith, Calvary Assembly of God
2. Pledge of Allegiance

PRESENTATIONS

a. Mayor presented presented a check rep 34,179 volunteer hours school district retirees 2018. Federal rate 24.69 contriburted 843,879.51 to school district.

Mayor presented proclamation to Frank Salvato who is retiring March 2019. Mayor presented retirement proclamation to Debbie Gotovac who retired in March 2019. Entire Council presented commendation to Laura Wilson, Utilities Director moving to Ft. Worth.

Council Member Trost presented proclamation for Texas Holocaust Commission only living surviving member in Texas who was a part of Bill Womack liberator of concentration camp. service in wwII unit 1945 liberated concentration camp freeing 3000 prisoners.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Receive a presentation from the Midland Association of Retired School Personnel regarding volunteer hours for 2018.

CONSENT AGENDA

Mayor reccognized partners of cesus gilber vasquez and rokie Augen 2020 census count started 3/23/2020

4. Approved a motion approving the following minutes:

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

- a. Regular City Council Meeting of February 26, 2019

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23,

29; 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.

b. Special City Council Meeting of March 5, 2019

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

5. Approved a resolution awarding a contract for the Hogan Park Golf Course Driving Range Improvements Project for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 067

RESOLUTION AWARDING A CONTRACT TO VM GOLF SERVICES, INC., FOR THE HOGAN PARK GOLF COURSE DRIVING RANGE PROJECT, AT A TOTAL COST OF \$449,980.65

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

6. Approved a resolution awarding a contract for Audio Video Systems for the Midland Convention Center for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 068

RESOLUTION AWARDING A CONTRACT TO AP SOUNDS INC. DBA ALL PRO SOUND FOR THE PURCHASE AND INSTALLATION OF AN AUDIO-VIDEO SYSTEM AT THE MIDLAND CONVENTION CENTER, AT A TOTAL COST OF \$1,172,121.96

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

7. Approved a resolution awarding a contract for Technology Systems for the Midland Convention Center for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 069

RESOLUTION AWARDING A CONTRACT TO WEAVER TECHNOLOGIES, LLC, FOR THE PURCHASE AND INSTALLATION OF A TECHNOLOGY SYSTEM AT THE MIDLAND CONVENTION CENTER, AT A TOTAL COST OF \$79,639.61

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23,

29; 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.

8. Approved a resolution awarding a contract for Security Systems for the Midland Convention Center for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 070

RESOLUTION AWARDING A CONTRACT TO ADVANCED CONNECTIONS, INC., FOR THE PURCHASE AND INSTALLATION OF A SECURITY SYSTEM AT THE MIDLAND CONVENTION CENTER, AT A TOTAL COST OF \$160,108.36

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

9. Approved a resolution rejecting the bids and authorizing re-advertisement for bids for the Grafa Park Storm Drain Replacement Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 071

RESOLUTION REJECTING THE BIDS RECEIVED FOR THE GRAFA PARK STORM DRAIN REPLACEMENT PROJECT; AND AUTHORIZING THE CITY MANAGER TO RE-ADVERTISE FOR COMPETITIVE BIDS FOR SAID PROJECT

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

10. Approved a resolution awarding a contract for the Water Meter Installation Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 072

RESOLUTION AWARDING A CONTRACT FOR THE MIDLAND METER PROGRAM 01 PROJECT TO RED DEER CONSTRUCTION, LLC OF MIDLAND, TEXAS, AT A TOTAL COST NOT TO EXCEED \$1,000,000.00; AND AUTHORIZING PAYMENT THEREFOR

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

11. Approved a resolution awarding a contract to the sole bidder for the Basin Mowing Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2019 - 073

RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2019 BASIN MOWING PROJECT TO THE SOLE BIDDER, SHAWNEE MISSION TREE SERVICE, INC. DOING BUSINESS AS ARBORMASTERS TREE SERVICE OF GRAND PRAIRIE, TEXAS, AT A TOTAL COST OF \$110,000.00; AND AUTHORIZING PAYMENT THEREFOR

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

12. Approved a resolution awarding a contract for the FY2019 Arterial and Downtown Street Sweeping Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2019 - 074

RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2019 ARTERIAL AND DOWNTOWN STREET SWEEPING PROJECT TO SWEEPING SERVICES OF TEXAS - OPERATING, L.P. OF HURST, TEXAS, AT A TOTAL COST OF \$120,250.00; AND AUTHORIZING PAYMENT THEREFOR

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

13. Approved a resolution awarding a contract for the Year Two (2) Bond: Bluebird Lane Paving Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 075

RESOLUTION AWARDING A CONTRACT FOR THE BLUEBIRD LANE PAVING PROJECT TO THE SOLE BIDDER, JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST OF \$2,711,133.46; SAID PROJECT BEING A YEAR TWO BOND PROJECT; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

14. Approved a resolution awarding a contract for the Year Two (2) Bond: Cuthbert Avenue Water Main Replacement Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 076

RESOLUTION AWARDING A CONTRACT FOR THE CUTHBERT AVENUE WATER

MAIN REPLACEMENT PROJECT TO J&H SERVICES, INC. OF ALBUQUERQUE, NEW MEXICO, AT A TOTAL COST OF \$727,342.50; SAID PROJECT BEING A YEAR TWO BOND PROJECT; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

15. Approved a resolution awarding a contract for the Year Two (2) Bond: Cuthbert Paving Project - Ward Street to Garfield Street for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 077

RESOLUTION AWARDING A CONTRACT FOR THE CUTHBERT AVENUE (FROM WARD STREET TO GARFIELD STREET) MILL & INLAY PAVING PROJECT TO REECE ALBERT, INC. OF MIDLAND, TEXAS, AT A TOTAL COST OF \$864,234.61; SAID PROJECT BEING A YEAR TWO BOND PROJECT; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

16. Approved a resolution awarding a contract for the Year Two (2) Bond: Carter Avenue Paving Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 078

RESOLUTION AWARDING A CONTRACT FOR THE CARTER AVENUE PAVING PROJECT TO THE SOLE BIDDER, JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST OF \$3,737,169.66; SAID PROJECT BEING A YEAR TWO BOND PROJECT; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

Robnett 2 bids on 15 and single bid on 16. Big projects love to see a second bid stay diligent. Encourage staff to ekep being active. Lacy came in under estimate of engineering.

Love rumor competition coming so may have someone in near future bidding.

Council Member Robnett moved to adopt Resolution No. 2019 - 078; 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.

17. Approved a resolution approving the purchase of Herbicide for the Spraberry Farm for

the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 079

RESOLUTION AUTHORIZING THE PURCHASE OF HERBICIDE FOR THE SPRABERRY FARM FROM HELENA AGRI-ENTERPRISES, LLC OF STANTON, TEXAS, AT A TOTAL COST OF \$96,640.00

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

18. Approved a resolution approving the issuance of a request for qualifications for a Water and Wastewater Rate Study for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 080

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR A WATER AND WASTEWATER RATE STUDY FOR THE UTILITIES DEPARTMENT

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

19. Approved a resolution approving payment to Oncor Electric Delivery Company LLC for Pro Rata charges for two-way feed capacity for the Water Pollution Control Plant. (PURCHASING)

RESOLUTION NO. 2019 - 081

RESOLUTION AUTHORIZING THE EXECUTION OF THE FACILITIES EXTENSION AGREEMENT WITH ONCOR ELECTRIC DELIVERY COMPANY LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR ADDITIONAL TWO-WAY FEED CAPACITY FOR THE WATER POLLUTION CONTROL PLANT FOR A TOTAL COST OF \$137,796.63

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

20. Approved a resolution awarding a professional services agreement Enprotec/ Hibbs & Todd, Inc. for the Wadley Booster Station for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 082

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD, INC., TO PROVIDE DESIGN AND ENGINEERING SERVICES FOR THE DESIGN OF THE WADLEY BOOSTER STATION FOR THE UTILITIES DEPARTMENT, FOR A COST OF \$659,500.00

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

21. Approved a resolution awarding a professional services agreement to HDR Engineering, Inc. for the design of the Paul Davis Pump Station Improvements for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 083

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., TO PROVIDE DESIGN AND ENGINEERING SERVICES FOR THE DESIGN OF THE PAUL DAVIS PUMP STATION IMPROVEMENTS FOR THE CITY OF MIDLAND, FOR A TOTAL COST OF \$769,820.00

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

22. Approved a resolution awarding a contract to Palomar Modular Buildings LLC through Buyboard contract 556-18 for labor, material, equipment and supervision necessary to supply and install three (3) Police Barracks for a cost of \$514,167.00 for the General Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2019 - 084

RESOLUTION AWARDING A CONTRACT TO PALOMAR MODULAR BUILDING LLC FOR THE PURCHASE AND INSTALLATION OF THREE (3) BARRACKS TO BE USED BY POLICE CADETS AT THE PERMIAN BASIN LAW ENFORCEMENT ACADEMY, THROUGH BUYBOARD, AT A TOTAL COST OF \$514,167.00; AND APPROPRIATING FUNDS THEREFOR

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

23. Approved a resolution awarding a contract to Henthorn Commercial Construction through Buyboard contract 520-16 for labor, material, equipment and supervision necessary for site work for the three (3) Police Barracks for a cost of \$369,804.60 plus \$18,490.23 in contingencies for a project total of \$388,294.83 for the General Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2019 - 085

RESOLUTION AWARDING A CONTRACT TO HENTHORN COMMERCIAL CONSTRUCTION FOR CERTAIN SITE WORK NECESSARY FOR THE

INSTALLATION OF THREE (3) BARRACKS TO BE USED BY POLICE CADETS AT THE PERMIAN BASIN LAW ENFORCEMENT ACADEMY, THROUGH BUYBOARD, AT A TOTAL COST OF \$369,804.60; APPROVING \$18,490.23 FOR CONTINGENCIES; AND APPROPRIATING FUNDS THEREFOR

Love make sure doing this correctly. Asking citizens in ETJ to palt before put up structures and want to ensure com adhere also. Chuck in process of getting survey in same format as everybody else. love dont want to break our own rule. Trost question about recruits coming in acemdy from other jurisdicitoons, this is not just Midland. Seth it will be used by Midland, it will ahve other agency housed therre is training evolutions host in Mldland when academy is not in session.

Lacy came about whe chief herman came use unappropriated fund bal to get housing for cadets.

Council Member Love moved to adopt Resolution No. 2019 - 085; 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.

24. Approved a resolution approving the purchase of an Automated Fuel Management System from AssetWorks LLC through Sourcewell Contract #022217 for a total cost of \$93,935.45 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 086

RESOLUTION APPROVING THE PURCHASE OF AN AUTOMATED FUEL MANAGEMENT SYSTEM FROM ASSETWORKS LLC THROUGH SOURCEWELL AT A TOTAL COST OF \$93,935.45; AND APPROVING \$9,393.50 FOR CONTINGENCIES

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

25. Approved a resolution approving the issuance of a task order to Rehler, Vaughn & Koone, Inc. dba RVK, Inc. for architectural services and schematic design for administrative offices for Solid Waste, Water and Wastewater and Vehicle Services Divisions for a cost of \$113,950.00 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 087

RESOLUTION AUTHORIZING THE EXECUTION OF TASK ORDER NUMBER RVK 2 WITH REHLER, VAUGH & KOONE, INC.; SAID TASK ORDER TO PROVIDE FOR ARCHITECTURAL SERVICES AND SCHEMATIC DESIGN WORK FOR CERTAIN SOLID WASTE, UTILITIES, AND GENERAL SERVICES ADMINISTRATIVE OFFICES AT A TOTAL COST OF \$113,950.00

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23,

29; 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.

26. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Pilot Avenue Paving Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 088

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE PILOT AVENUE PAVING PROJECT; SAID PROJECT TO PROVIDE FOR THE CONSTRUCTION OF PILOT AVENUE BETWEEN STATE HIGHWAY 349 (FARM TO MARKET ROAD 1788) AND NORDEN DRIVE

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

27. Approved a resolution amending the agreement for Employee Health Care Center with Midland Memorial Hospital. (ADMINISTRATIVE SERVICES)

RESOLUTION NO. 2019 - 089

RESOLUTION AUTHORIZING THE EXECUTION OF THE THIRD AMENDMENT TO THE INTERLOCAL MANAGEMENT SERVICES AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS AND MIDLAND COUNTY HOSPITAL DISTRICT, DOING BUSINESS AS MIDLAND MEMORIAL HOSPITAL, FOR CERTAIN MEDICAL AND WELL-BEING SERVICES; SAID AMENDMENT ADJUSTING THE ANNUAL FEE AND PROVIDING FOR THE HOSTING OF INFLUENZA CLINICS; AND AUTHORIZING PAYMENT THEREFOR

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

28. Consider a Resolution appropriating funds to the project described as MAF Terminal Building Improvements - Security Checkpoint (7145). (AIRPORTS)

RESOLUTION NO. 2019 - 090

RESOLUTION AUTHORIZING THE APPROPRIATION OF \$614,850.00 FROM THE AIRPORT OPERATING FUND (500) UNAPPROPRIATED FUND BALANCE (35650) TO THE SECURITY CHECKPOINT PROJECT (700145-505)

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

29. Approved a resolution authorizing the execution of a consultant services agreement with InterFlight Global Corporation in an amount not to exceed \$94,590.00 for services related to the procurement of new tenants for facilities located at the Spaceport Business Park. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 091

RESOLUTION APPROVING A CONSULTANT SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND INTERFLIGHT GLOBAL CORPORATION FOR SERVICES ASSOCIATED WITH THE PROCUREMENT OF NEW TENANTS FOR FACILITIES LOCATED AT THE SPACEPORT BUSINESS PARK

Robnett didn't we jsut approve similar agreement amnth ago. Lacy retooling of and second supersonic workshop with oscar. lacy explained the differences in contracts.

Council Member Robnett moved to adopt Resolution No. 2019 - 091; seconded by Council Member Love.

Trost question have lobbyist in Washington and persuing air and space port clarify to tie together. This is seperate organization how tie together. Courtney todays item will help on business plan and they do economic development and recruit businesses to come to Midland. More boots ont eh ground consultants with space port where lobbyist looks at things for spaceport and FAA and des other things with transporjtaiton and other federal agencies. worked with epa on environmental issues. He does more global federal work and this group is boots on ground.

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

30. Approved a resolution authorizing the execution of an interlocal agreement with the University of Texas of the Permian Basin in an amount not to exceed \$576,177.00 to advertise or publicize the City of Midland for the purpose of developing new and expanded business enterprises. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 092

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN, AS AUTHORIZED BY CHAPTER 791 OF THE TEXAS LOCAL GOVERNMENT CODE, 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 - 43 excluding 16, 23, 29; 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.

31. Approved a resolution approving a consulting services agreement with The Perryman Group for multiple projects. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 093

RESOLUTION APPROVING A CONSULTING SERVICES AGREEMENT FOR MULTIPLE PROJECTS BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE PERRYMAN GROUP FOR SERVICES ASSOCIATED WITH THE PRODUCTION OF ECONOMIC AND FINANCIAL ANALYSIS, ECONOMIC IMPACT ASSESSMENTS, PUBLIC POLICY STUDIES, ECONOMIC DEVELOPMENT STRATEGIES, ANALYSIS OF REGULATORY MATTERS, ECONOMIC MODELING, PUBLIC EDUCATION ANALYSIS, MARKET AND INDUSTRY ANALYSIS, AND OTHER RELATED SERVICES

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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. Approved a resolution for the establishment of a 2020 Complete Count Census Committee and appropriate \$40,000.00 to the 2020 Census Count Project. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 094

RESOLUTION ESTABLISHING A PROJECT FOR THE 2020 CENSUS COUNT; AUTHORIZING THE FORMATION OF A COMPLETE COUNT COMMITTEE FOR THE 2020 CENSUS COUNT PROJECT; AUTHORIZING THE CITY MANAGER TO APPOINT MEMBERS TO SAID COMPLETE COUNT COMMITTEE; AND AUTHORIZING THE APPROPRIATION OF \$40,000.00 TO ADVERTISE AND PROMOTE THE 2020 CENSUS COUNT PROJECT

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

33. Approved a resolution approving the issuance of permits to Permian Deep Rock Oil Co., LLC, for the drilling of three oil and gas wells, within the city limits, located in Section 10, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas, (said wells are generally located between 2,320 and 2,410 feet east of Rankin Highway and 515 feet south of West Interstate 20). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 095

RESOLUTION GRANTING VARIANCES FOR THREE OIL AND GAS WELLS TO BE LOCATED CLOSER THAN 500 FEET OF AN OCCUPIED COMMERCIAL STRUCTURE OR RESIDENCE; APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELLS LOCATED IN SECTION 10, BLOCK 39, T-2-S, T&P RR. CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 2,320 FEET AND 2,410 FEET EAST OF RANKIN HIGHWAY AND 515 FEET SOUTH OF WEST INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

34. Approved a motion approving a proposed preliminary plat of Corporate Ranch Addition, being a plat of a 30.02 Acre Tract of Land out of Section 28, Block 40, T-1-S, T&P. RR. Co. Survey, Midland County, Texas, (generally located on the southeast corner of the intersection of North County Road 1270 and West County Road 60). (Planning Admin)

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

35. Approved a resolution appropriating the sum of \$400,000.00 from the General Fund (001) unappropriated fund balance account (35650) to the Downtown Intersection Update Project (900291). (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 096

RESOLUTION APPROPRIATING THE SUM OF \$400,000.00 FROM THE GENERAL FUND (001) UNAPPROPRIATED FUND BALANCE ACCOUNT (35650) TO THE DOWNTOWN INTERSECTION UPDATE PROJECT (900291)

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

36. Approved a resolution authorizing funds from Certificate of Obligation to be placed in the Fairgrounds Road Extension Project. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 097

RESOLUTION APPROPRIATING THE SUM OF \$150,000.00 FROM THE 2019 CO FUND (158) UNAPPROPRIATED FUND BALANCE (35650) TO THE FAIRGROUNDS ROAD EXTENSION PHASE 1 DESIGN PROJECT (900297-158); AND APPROPRIATING THE SUM OF \$400,000.00 FROM THE 2019 CO FUND (158) UNAPPROPRIATED FUND BALANCE (35650) TO THE FAIRGROUNDS ROAD EXTENSION PHASE 2 ROW PROJECT (900298-158)

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

37. Approved a resolution authorizing the City of Midland to accept Fiscal 2019 Edward Byrne Grant funds in the amount of \$138,000. (POLICE)

RESOLUTION NO. 2019 - 098

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$138,000.00 FROM THE FISCAL YEAR 2019 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM PROVIDED BY THE GOVERNOR'S OFFICE; SAID GRANT FUNDS WILL BE USED TO PURCHASE AN ACCIDENT RECONSTRUCTION TECHNOLOGY SYSTEM AND ELECTRONIC TICKET WRITERS FOR THE POLICE DEPARTMENT

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

38. Approved a motion receiving the 2018 Midland Police Department Racial Profiling Analysis. (POLICE)

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

39. Approved a resolution authorizing renewal of an Operating Certificate for Khodiar Trade Investment Corporation dba Metro Taxi. (POLICE)

RESOLUTION NO. 2019 - 099

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR KHODIAR TRADE INVESTMENT CORPORATION DBA METRO TAXI TO OPERATE A TAXI CAB BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

40. Approved a resolution authorizing and executing a right-of-way license between the City of Midland and Targa Delaware LLC, said right-of-way license is for entering the City of Midland's property for the purpose of operating, repairing, maintaining and removing one natural gas gathering system pipeline, not to exceed twenty (20) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located within City of Midland's T-Bar Ranch property, Sections 17, 21, 22, & 26, Block C-23, Public School Lands Survey, Abstracts 1391, 1388, 1414, 1415, Winkler County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 100

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND TARGA DELAWARE LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 17, 21, 22 AND 26, BLOCK C-23, PUBLIC SCHOOL LANDS SURVEY, ABSTRACTS 1391, 1388, 1414 AND 1415, WINKLER COUNTY, TEXAS

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

41. Approved a resolution authorizing and executing a right-of-way license between the City of Midland and Targa Delaware LLC, said right-of-way license is for entering the City of Midland's property for the purpose of operating, repairing, maintaining and removing one natural gas gathering system pipeline, not to exceed twenty (20) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located within City of Midland's T-Bar Ranch property, Sections 8,10,11, & 27, Block 74, Public School Lands Survey, Abstracts 1378,1379,1380, & 1410, Winkler County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 101

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND TARGA DELAWARE LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 8, 10, 11 AND 27, BLOCK 74, PUBLIC SCHOOL LANDS SURVEY, ABSTRACTS 1378, 1379, 1380 AND 1410, WINKLER COUNTY, TEXAS

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

42. Approved a resolution to approve the execution of a right of way license, replacing a previously granted right of way license approved by resolution (2014-075) with ETC Texas Pipeline, LTD., for the continued safe operation and maintenance of a pipeline constructed in Section 30, Block 36, T3 S, T&P RR Survey A-957 & A-1241, Midland and Glasscock Counties, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 102

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 SECTION 30, BLOCK 36, TOWNSHIP-3-SOUTH, T&P RR CO. SURVEY A-957 AND A-1241, MIDLAND AND GLASSCOCK COUNTIES, TEXAS

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

43. Approved a resolution authorizing and executing an amendment to the Right-of-Way License 2016-027, Dated January 27, 2016 between the City of Midland and Sunoco Pipeline 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 thereon, an additional petroleum pipeline, not to exceed sixteen (16) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located within City of Midland Plant Farm property, Section 10, Block 38, T-2-S, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 103

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND SUNOCO PIPELINE LP, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 10, BLOCK 38, TOWNSHIP-2-SOUTH, T & P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

SECOND READINGS

44. Consider an ordinance on second reading on a request by Christopher Liles for approval of a Special Exception to the City of Midland Zoning Ordinance, Section 11-1-7. - Area, yard, structure, parking, and miscellaneous lot and use regulations, concerning front yard setbacks on the west 5.2 feet of Lot 6 and Lot 7, Block 5, Urandale Addition, City and County of Midland, Texas. Generally located on the northeast corner of the intersection of J Street and Douglas Avenue. (DEVELOPMENT SERVICES) (Public hearing heard. Deferred from February 12, 2019.)

ORDINANCE NO. 9886

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE WEST 5.2 FEET OF LOT 6 AND LOT 7, BLOCK 5, URBANDALE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH J STREET AND DOUGLAS AVENUE), BY PERMITTING A REDUCED SIDE 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 Misty Cryer read the caption of Ordinance No. 9886.

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

9886 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

45. Consider an ordinance on second reading on a request by Jay Leeper for a Specific Use Permit, without Term, for an accessory building for living or sleeping quarters, on Lot 10, Block 149, Wilshire Park, City and County of Midland, Texas, (generally located on the west side of Woodcrest Drive approximately 257-feet south of Ric Drive). (DEVELOPMENT SERVICES) (First reading held February 26, 2019)

ORDINANCE NO. 9889

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 10, BLOCK 149, WILSHIRE PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF WOODCREST DRIVE, APPROXIMATELY 257 FEET SOUTH OF RIC DRIVE), WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR AN ACCESSORY BUILDING TO BE USED FOR LIVING OR SLEEPING QUARTERS; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9889.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9889 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.

46. Consider an ordinance on second reading on a request by SBC, LP for approval of a Site Plan on a 13.36-acre tract of land located in Section 35, Block 40, T-1-S, T&P. RR. Co. Survey, City and County of Midland, Texas, (generally located on the southeast corner of the intersection of North County Road 1247 and West State Highway 158). (DEVELOPMENT SERVICES) (First reading held February 26, 2019)

ORDINANCE NO. 9890

AN ORDINANCE ADOPTING A SITE PLAN FOR A 13.36-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH COUNTY ROAD 1247 AND WEST STATE HIGHWAY 158); 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 Misty Cryer read the caption of Ordinance No. 9890.

Council Member Love moved to approve the second and final reading of Ordinance No. 9890 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

47. Consider an ordinance on second reading on a request by Stonehawk Capital Partners, LLC for Site Plan Approval on a 21.30-acre tract of land located in Section 38, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located approximately 688-feet south of State Highway 191 and 2,287-feet west of Avalon Drive). (DEVELOPMENT SERVICES) (First reading held February 26, 2019)

ORDINANCE NO. 9891

AN ORDINANCE ADOPTING A SITE PLAN FOR A 21.30-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 688 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 2,287 FEET WEST OF AVALON DRIVE); 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 Misty Cryer read the caption of Ordinance No. 9891.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9891 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

48. Consider an ordinance on second reading on a request by Dahlia Development, LLC., for a Zone Change from 1F-2, One-Family Dwelling District to AE, Agriculture Estate District on a 30.74-acre tract of land located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, (generally located on the west side of North Garfield Street, approximately 594-feet north of Mockingbird Lane). (DEVELOPMENT SERVICES) (First reading held February 26, 2019)

ORDINANCE NO. 9892

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 30.74-ACRE TRACT OF LAND OUT OF SECTION 9, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS AN AE, AGRICULTURE ESTATE DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH GARFIELD STREET, APPROXIMATELY 594 FEET NORTH OF MOCKINGBIRD LANE); 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 Misty Cryer read the caption of Ordinance No. 9892.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9892 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.

49. Consider an ordinance on second reading on a request for 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 west of the intersection of Mockingbird Lane and Holiday Hill Road). (DEVELOPMENT SERVICES) (First reading held February 26, 2019)

ORDINANCE NO. 9893

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 126.162-ACRE TRACT OF LAND AND A 13.537-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED APPROXIMATELY 2,630 FEET WEST OF THE INTERSECTION OF MOCKINGBIRD LANE AND HOLIDAY HILL ROAD); APPROVING A PUBLIC SERVICE PLAN; AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9893.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9893 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.

50. Consider an ordinance on second reading adopting a Fee Schedule effective May 1, 2019. (FINANCE) (First reading held February 26, 2019)

ORDINANCE NO. 9894

AN ORDINANCE ADOPTING A FEE SCHEDULE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE OF MAY 1, 2019; PROVIDING AN APPEAL PROCESS; AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9894.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9894 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

51. Consider an ordinance on second reading vacating and abandoning a 0.71-acre portion of a public access easement located adjacent to Lots 13, 17 and 18, Block 2, Green Hill Terrace, and Lot 14A, Block 2, Green Hill Terrace, Section 15, City and County of Midland, Texas, (generally located approximately 153 feet south of Widener Strip, between Keenland Drive and Holiday Hill Road); adopting the appraisal by the City Manager of \$14,200.00; retaining a nonexclusive utility easement; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (First reading held February 26, 2019)

ORDINANCE NO. 9895

AN ORDINANCE VACATING AND ABANDONING A 0.71-ACRE PORTION OF A PUBLIC ACCESS EASEMENT LOCATED ADJACENT TO LOTS 13, 17 AND 18, BLOCK 2, GREEN HILL TERRACE, AND LOT 14A, BLOCK 2, GREEN HILL TERRACE, SECTION 15, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 153 FEET SOUTH OF WIDENER STRIP, BETWEEN KEENLAND DRIVE AND HOLIDAY HILL ROAD); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$14,200.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9895.

Council Member Love moved to approve the second and final reading of Ordinance No. 9895 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

PUBLIC HEARINGS

Mayor Morales oph 10:40 a.m. cph

52. Hold a public hearing and consider an ordinance on a request by Katherine Wolbert dba Hand Café, LLC, for a Specific Use Permit with Term for the sale of beer and wine for on-premises consumption, in a restaurant, on a 1,300 square foot portion of Lot 4A, Block 16, Greathouse Addition, Section 12, City and County of Midland, Texas, (generally located on the north side of Briarwood Avenue, approximately 138-feet east of Mathis Street). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9896

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 1,300-SQUARE FOOT PORTION OF LOT 4A, BLOCK 16, GREATHOUSE ADDITION, SECTION 12, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 138 FEET EAST OF MATHIS STREET), WHICH IS PRESENTLY ZONED LR-1, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE

USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF BEER AND WINE IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9896.

Development Services Director Chuck Harrington gave a brief overview of the item noting sale and consumption for alcoholic beverages. Does not have special requirements Monday through Friday 7-7, Saturday and Sunday 10-2. During peak hours 7 a.m. agreed to go 10 a.m. all days of the week. There are no churches or schools within 300 feet. Review by all departments in compliance with the comprehensive plan and approved by a 4-0 vote by peak hours. Staff recommendation approval. Lacy they are in agreement. Lacy will change to 11 a.m. on Sunday.

Mayor Morales opened the public hearing at 10:34 a.m.

Catherine Ssolbert 1811 ? Midland Texas owner of building and hand cafe want to offer alcohol beer and wine experience families that like to walk up use sidewalk have coffee and use patio in summer increases walkability score. open Sunday. Want to be open later in the evening and open to whatever hours you think. want to appeal to locals serve local coffee and breweries. Trost beer and wine only.

There being no one else wishing to speak, the public hearing was closed at 10:35 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9896 in accordance with the Charter of the City of Midland change hours Monday-Friday 10-7 and Saturday 10-2 and Sunday 11-2; 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.

53. Hold a public hearing and consider an ordinance on a request by FP-Westridge Energy Plaza, GP, LLC, for a Special Exception from the City of Midland Zoning Ordinance, Section 11-1-6-Zoning District Classification; use and development regulations concerning height regulations on Lot 3, Block 6, Westridge Park, Section 31, City and County of Midland, Texas, (generally located on the southwest corner of the intersection of Champions Drive and North Loop 250 West). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9897

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3, BLOCK 6, WESTRIDGE PARK, SECTION 31, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF CHAMPIONS DRIVE AND NORTH LOOP 250 WEST), BY ALLOWING A BUILDING THAT EXCEEDS SEVEN STANDARD STORIES IN HEIGHT TO BE LOCATED ON SAID PROPERTY IN THE PRESENT O-2, OFFICE DISTRICT; 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 Misty Cryer read the caption of Ordinance No. 9897.

Development Services Director Chuck Harrington gave a brief overview of the item noting company to build office building requesting 6 stories but calculated at 98 feet in height ord allow 80.5 feet under 7 stories so kind of a conflict. height difference 17.5 feet for propped dev. rev by all staff with no issues. prop zoned o-2 recently granted high variance to sereniy hotel. in zoning ord 98 feet is allowed height. staff rec approval no loj. Lacy are we not concerned around baseballc omplex not concerned with putting 100 foot structure blocking. Courtney really protected visually for loop area not on outlinign roads. Robnett alternative is 80 foot building. backdrop is rockhounds stidum. Love 6 stores 90 feet those are 15 foot stories. Chuck staf define story at 11 feet 6 inches can't get in typical floor anytime add atriums it pushes it up.

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. 9897 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.

54. Hold a public hearing and consider an ordinance on a request by Vineyard Reserve, LLC, for the initial zoning of a 126.126-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.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9898

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 77.433-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS A 1F-1, ONE-FAMILY DWELLING DISTRICT; AND ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 48.722-ACRE TRACT OF LAND AND A 13.537-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS A 1F-2, ONE-FAMILY DWELLING DISTRICT; SAID TRACTS BEING GENERALLY LOCATED APPROXIMATELY 2,630 FEET WEST OF THE INTERSECTION OF MOCKINGBIRD LANE AND HOLIDAY HILL ROAD; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9898.

Development Services Director Chuck Harrington gave a brief overview of the item noting request of vineyard reserve this is next phase to be zoned requests 1f1 single

family and 1f2 single fmaily districts. in compl with comp plan andwill be cont of what done at this loc for res dev. staff rec approval no loj.

Council Member Love moved approval of the first of two readings of Ordinance No. 9898 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.

55. Hold a public hearing and consider an ordinance on a request for annexation of a 17.55-acre tract of land located in the NE/4 of Section 48, Block 40, T-1-S, T&P RR Co Survey, Midland County, Texas, (generally located at the southwest corner of the intersection of Tradewinds Boulevard and Thomason Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9899

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 17.55-ACRE TRACT OF LAND OUT OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE); APPROVING A PUBLIC SERVICE PLAN; ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9899.

Development Services Director Chuck Harrington gave a brief overview of the item noting recently annexed 17.55 tract tradewinds and thomason. next sstep is to have first reading to start annexation. This complies with comp plan staff rec approval no loj. Morales any idea tradewinds sstart lacy already started.

Mayor Morales opened the public hearing at 10:44 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. 9899 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.

56. Hold a public hearing and consider an ordinance on a request by Stonehawk Capital Partners, LLC for a Zone Change from a PD, Planned District for a Housing Development to an Amended PD, Planned District for a Housing Development on Lot 4, Block 1, SCP Midland West, City and County of Midland, Texas, (generally located on the north side of Briarwood Avenue, approximately 737-feet east of Avalon Drive). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9900

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 4, BLOCK 1, SCP MIDLAND WEST, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 737 FEET EAST 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 Misty Cryer read the caption of Ordinance No. 9900.

Development Services Director Chuck Harrington gave a brief overview of the item noting site plan approved in sept of last eyar. now added apump hooose to what was previously approved. no issues after review by depts p7z rec approval staff rec approval of amended site plan as well. no loj.

Mayor Morales opened the public hearing at 10:46 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9900 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

57. Hold a public hearing and consider an ordinance on a request by Stonehawk Capital Partners, LLC. for a Zone Change from a PD, Planned District for a Housing Development to an Amended PD, Planned District for a Housing Development on a 12.3959-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 Edwards Street, approximately 156-feet north of Fiesta Avenue). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9901

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 12.3959-ACRE TRACT OF LAND OUT OF CORPORATE PLAZA, SECTION 13, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH EDWARDS STREET, APPROXIMATELY 156 FEET NORTH OF FIESTA 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 Misty Cryer read the caption of Ordinance No. 9901.

Development Services Director Chuck Harrington gave a brief overview of the item noting request by stonehawk capital partners existing apt dev on site and wish to expand and add additional apts to property 12.395 acre tract. density 22 units per acre. maintain all setbacks, currently in subdivision platting to combine all properties. move forward to develop remain. staff review no objection approval. staff recommendation approval to add additional property. no objection.

Love asked about winding piece. Chuck just property lines nothing will be put on there it is not a road.

Mayor Morales opened the public hearing at 10:49 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to approve the second and final reading of Ordinance No. 9901 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.

58. Hold a public hearing and consider an ordinance on a request by Kendra Hanfeld for a Special Exception from the City of Midland Code of Ordinances, Section 11-1-7 -Area, yard, structure, parking, and miscellaneous lot and use regulations concerning parking requirements on Lots 1 through 6, Block 77, and a previously vacated 0.10-acre portion of West Texas Avenue right-of-way located adjacent to said lots, all out of West End Addition, City and County of Midland, Texas, (generally located on the south side of West Texas Avenue between North N street and North M Street). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9902

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 1 THROUGH 6, BLOCK 77, AND A PREVIOUSLY-VACATED 0.10-ACRE PORTION OF WEST TEXAS AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO SAID LOTS, ALL OUT OF WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST TEXAS AVENUE BETWEEN NORTH M STREET AND NORTH N STREET), BY PERMITTING A REDUCED NUMBER OF OFF-STREET PARKING SPACES; 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 Misty Cryer read the caption of Ordinance No. 9902.

Development Services Director Chuck Harrington gave a brief overview of the item noting fairly unique most churches have all buildings confined to one property. prop youth building across from existing church property and ask to be exempted from parking requirements. New dev doesn't create additional demand just a youth facility to spread out. Does represent deviation from zoning ord. no hardship intended use not to increase or attract new comers to building. it will allow more space for church

members and students to enjoy activities. staff rec approval of special except. no loj. Trost We know about young child killed crossing, what doing for safety because now will run across street. how will city get involved ins chool safety. Chuck done a lot of improvements there including a median. Dufford same situation exists at fiirst baptist thats just something that parents need to pay attention to./

Mayor Morales opened the public hearing at 10:53 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Eric West, PSC, 1700 West Wall, working with St. Ann ond esign of new beautiful facility. Situation exists in several palces not idea the benefit here while main facility will be across TX quite a bit of parking set aside N street which is lower traffic road. You can assume that times where want people to move back and forth that becomes operation thing of what needs to happen. Median provides much safer environment and there will be oeprational things the facility can do. This does not rep situation unheard of. Dufford there are 20 mies per hours peed limit signs. Eric better siatuion that first baptist but hshould be paid attention to.

Morales ingress egreess on Texas and M. Eric traffic will be on Texas. Lacy part of road bond will get striping and new road.

Monsignor Larry Droll ope to build to increase services for teenagers main reason for building and requesting this reduction of parking so can more easily facilitate building itself but also yard and other activities to have in yard. with regard to wprking two handicapped acrossf rom school on Tx that is only parking anticiapte having on block on site. On north M st drop off lane where parents can drop off younger teenagers. Love St. Anns parishners are most organized dropping off and picking up kids. Hotchkiss asked Mike Pacelli for opinion. Mike architect did work on concept no onsite parking no driveway cuts in parkign onstreet around perimeter no issues with turning movements because no driveways in intersection. Median put in coordination in church. prohibits u turn dring drop offs. should not have a lot of back and forth epedstrian all throughout day may be groups or schedule activities no ones and twos all day. cross walk and school zone during school hours have to see how operates and take any steps if necessary.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9902 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.

59. Hold a public hearing and consider an ordinance on a request for a Specific Use Permit without Term for rock quarries, sand, gravel and caliche excavations on an 11.44-acre tract of land out of Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located on the north side of East Cynthia Drive, approximately 1,800-feet east of North Fairgrounds Road). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9903
AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE

PROPERTY DESCRIBED AS AN 11.44-ACRE TRACT OF LAND OUT OF SECTION, 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF EAST CYNTHIA DRIVE, APPROXIMATELY 1,800 FEET EAST OF NORTH FAIRGROUNDS ROAD), WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR ROCK QUARRIES AND SAND, GRAVEL AND CALICHE EXCAVATIONS; 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 Misty Cryer read the caption of Ordinance No. 9903.

Development Services Director Chuck Harrington gave a brief overview of the item noting applicant requesting to sup for excavation for fill material of Elkins . prop hours for exca mon fr 7-6. during p7z members of pbulic spoke concern dealt with traffic up Cynthia Avenue vs pushing traffic to Fiargrounds. HOMes that front on Cynthia and people that use Cynthia for exercise walking narrow county rd. Other than that they meet state requirements and staff have no objection to request. Lacy heavily regulated. chuck yes sir. Love Cynthia is future expansion of Wadley. Jose ARterial system goes east from Fairgrounds. Love inf act of growing to northeast and eaast need arterial that connects fairgrounds to Elkins south of Loop 250. Jose according to thoroughfare that would be correct. Love this should be developed but iwl ahve a rock quarry pit on Wadley, city doesn't have any concerns about that. Jose from engineering would work with landowner to secure row to have sufficient qaccess. Chuck no objections is if look at ordinance alot of special use permits that look for. its wide open had to fill back to what state thought on this, is this best palce for it, don't think it is land could be used for future residential or future retail. wasn't looking at Wadley. Lacy or retention basin in future. Company donated 3 miles of row along fairgrounds. Love know good corporate citizens but have concerns. Chuck depending onw hat do when finish on exterior can be disguised with landscaping which won't be as intrusive. Love could. MOrales have to follow 7 a.m. to 6 p.m.

Mayor Morales opened the public hearing at 11:09 a.m.

Ferris Murphy 2811 Ann Drive they are windowpane county area gave eacha map but did not read legal description. Look at map and move box across street. neighbors here with her. do not want loaded trucks to go north on Cinthia. have 3.5 bocks o paved county maintained road. if truck driver would take shortest route which would be shortest road. Ask city to ask Jones brothers to go east on cynthia to fiargrounds to loop ot elkins. Some for project or against most concern about ruck drivers going thorough neighborhood. Extention of Wadley has been on 20 year plan for 25 years. It may happen but not in her lifetime. Hole ing round doesn't bother anybody bordered by two major gas lines digging area limited and could be holee in ground like lake lamesa. Don;t want to be annexed any time soon. Dont mind dirt going out to elkins like fairground overpass. If have accountability. Lacy will talk about truck route to express concerns. They are big corporate partner tthey will do everything right.

Hotchkiss are they in City. Chuck in County.

Jermiah carther 4927 grasland? partner own ? cnthia acorss road. in city limits. His concern is calichie turn east comes back across him. caliche wind blows in Midland nothing will grow mud erosit from poor shape of road. Been speaking to ? to purchase as development. contacted maverick engineering splitting cost on development. will keep it received letter drastic decrease in value will do to their whole development. Jermiah that was potential but only small portion. Water holding for visual is for road conditions concerned about 100 trucks and ppor air quality and decrease in value.

Love appreciate comments if turns into drainage won't be problem doesn't seem to be significant amount of ground but do understand neighborhood if send it one way affects another property. Love not confident with upkeep with how it keeps his road. Send those trucks that way will be dangerous because when it rains road develops huge potholes. would like to require to move east and go up fairgrounds.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9903 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Council Member Love moved to amend the motion by requiring trucks to go west on Cynthia and north on Fairgrounds Road ; seconded by .; seconded by Council Member Lacy.

There being no one else wishing to speak, the public hearing was closed at 11:16 a.m.

Hotchkiss at meeting would be nobody wants to live next to gravel pit and jones company can build roads if help develope could be win for company and City. Dont have anyone hear to sepak and sy would think about it but would like that put out for future. Dufford temporary. other staff no . Hotcchiss they take neough dirt that will create a pit 20 feet deep and it would be agreed that when complete taking dirt out slatted side fences for protect but enormous hole in earth. Mark sold some dirt too but creating a beautiful entrance as result of that. So tthats one of things looked at and drove past marks additiona nd can see how beautifully developed in future. This could be an asset but dont have builder ot mov ein positive manner and not much control when finish up. Owner was at meeting if take that much dirt out that is deep. Robnett does it allow caliche to be crushed or mined. Permit is for rock quarty sand gravel and caliche. Chuck for fill material. Lacy alot of requirements wetted down before taken off site.

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

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

60. Hold a public hearing and consider an ordinance on a request by Renew Life Church for a vacation of the 0.138-acre portion of alley right-of-way, located in Block 110, Original Town Addition, City and County of Midland, Texas, (generally located on the south side of West Kentucky Avenue approximately 190 feet east of South Pecos Street) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9904

AN ORDINANCE VACATING AND ABANDONING A 0.138-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 110, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST KENTUCKY AVENUE, APPROXIMATELY 190 FEET EAST OF SOUTH PECOS STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$12,000.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9904.

Development Services Director Chuck Harrington gave a brief overview of the item noting Maverick Engineering for church abandon alley portion. Routed to all different utility companies and they noted concerns about needing to keep an easement. talked with engineering company to know it would be a requirements. depts reviewed and approved with cond of maintained utility access easement. cost of \$2/sq ft. as of 3/20 no loj to request.

Mayor Morales opened the public hearing at 11:25 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. 9904 in accordance with the Charter of the City of Midland with waiving of \$2,000 fee for vacation; 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.

61. Hold a public hearing and consider an ordinance on a request by Renew Life Church for a Zone Change from PD, Planned District for a Housing Development to C-3, Commercial District on Block 110, Original Town Addition, City and County of Midland, Texas, (generally located on the southeast corner of the intersection of South Pecos Street and West Kentucky Avenue). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9905

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING BLOCK 110, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS A C-3, COMMERCIAL DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH PECOS STREET AND WEST KENTUCKY 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 Misty Cryer read the caption of Ordinance No. 9905.

Development Services Director Chuck Harrington gave a brief overview of the item noting continuing renew life church. prop in question zoning of c3 in 2012 zoned pd for multi family housing and now requesting going back to c-e to complete project rev by all

dept in compl with ocmp plan staff rec approval. approved p7z 3/4 as of 3/20 no loj.

Mayor Morales opened the public hearing at 11:28 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. 9905 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Love hotel possibly come in just to ne of this that distance more than 300 feet. More than likely more than 300 feet.

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

62. Hold a public hearing and consider an ordinance on a request by Outback Steakhouse of Texas, LLC, for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on Lot 3, Block 28, Plantation Hills, Section 15, City and County of Midland, Texas, (generally located on the north side of West Loop 250 North, approximately 300-feet west of Garfield Street). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9906

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 3, BLOCK 28, PLANTATION HILLS, SECTION 15, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 300 FEET WEST OF GARFIELD STREET), 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 Misty Cryer read the caption of Ordinance No. 9906.

Development Services Director Chuck Harrington gave a brief overview of the item noting Outback Steakhouse of Texas currently have also bev permit cur 4-12 mon fri sat 3-12. sun 11-12. now requesting change serv horus mon thur 11-10 fri 11-11 and sunday from 12-9:30 p.m. within standards set and no churches school 300 feet in compl with com p plan staff rec approval.

Mayor Morales opened the public hearing at 11:30 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9906 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.

63. Hold a public hearing and consider a resolution on a request by San Miguel Arcangel for a Temporary Land Use for a Church Family Fair on Lot 1A, Block 19, Midland Heights Addition, Section 4, and a 0.70-acre portion of McKenzie Street right-of-way adjacent to said lot, City and County of Midland, Texas, (generally located on the southwest corner of the intersection of Camp Street and West Dakota Avenue). (DEVELOPMENT SERVICES)

ORDINANCE NO. 2019 - 104

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH FAMILY FAIR ON LOT 1A, BLOCK 19, MIDLAND HEIGHTS ADDITION, SECTION 4, AND A 0.70-ACRE PORTION OF MCKENZIE STREET RIGHT-OF-WAY ADJACENT TO SAID LOT, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST DAKOTA AVENUE AND CAMP STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting standard annual family fair. Courtney one of those other items working on to approve.

peace officers as well as toilet facilities for program. last year no incidents rec approval.

Mayor Morales opened the public hearing at 11:32 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Love participation event

Council Member Lacy moved to adopt Resolution No. 2019 - 104; seconded by Council Member Dufford.

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

64. Hold a public hearing and consider an ordinance on a request by Sonny Aguilar dba Toast, for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant on a 4,200 square foot portion of Lots 13 and east half of 14, Block 56, Original Town, City and County of Midland, Texas, (generally located on the north side of West Wall Street, approximately, 115 feet east of North Big Spring Street). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9907

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4,200-SQUARE FOOT PORTION OF LOT 13 AND EAST HALF OF LOT 14, BLOCK 56, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WALL STREET, APPROXIMATELY 115 FEET EAST OF NORTH BIG SPRING

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 Misty Cryer read the caption of Ordinance No. 9907.

Development Services Director Chuck Harrington gave a brief overview of the item noting Sony Aguilar who does business in building proposing to add alco service bev rest is in operaiton would like to have hours 11-12 mon - sat sun 11-9. no churches or schools within 300 feet. compl with comp plan and meets requ. staff rec approval no loj.

Mayor Morales opened the public hearing at 11:34 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. 9907 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Trost hours seem awful long stay open all time. Sony AGuilar 4120 Springfield its just for certain special events to offer.

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

65. Hold a public hearing and consider a resolution on a request by Basin PBS for a Temporary Land Use for a Fundraising Community Dinner Event on a 0.45-acre portion of North Main Street right-of-way, adjacent to Lots 1 through 6, Block 37, and Lots 7 through 12, Block 38, Original Town, City and County of Midland, Texas, (generally located on North Main Street, between West Illinois Avenue and West Texas Avenue). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 105

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A COMMUNITY DINNER EVENT ON A 0.45-ACRE PORTION OF NORTH MAIN STREET RIGHT-OF-WAY ADJACENT TO BLOCKS 37 AND 38, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON NORTH MAIN STREET, BETWEEN WEST ILLINOIS AVENUE AND WEST TEXAS AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting first of two requests tlup to hold community dinner fundraising event. sat 6/1 2-10 requ close portion of main street. sale of alco bev provided no alco bev consump as part of this other will be conducted by opals table as part o catering permit. guests move into theatre . adequ restrooms and security officer. meets comp plan and staff rec

approval subj to a-k. no loj. Love in that regard to both events one may 23 other june 1 any problems with staging or logistics due to convention center plus lights around any problems. Chuck no indication they would they are mutually exclusive it will attract more business downtown.

Mayor Morales opened the public hearing at 11:38 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2019 - 105; seconded by Council Member Dufford.

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

66. Hold a public hearing and consider a resolution on a request by Basin PBS, for a Temporary Land Use for a Main Street Live Fundraising Event on a 0.45-acre portion of North Main Street right-of-way, adjacent to Lots 1 through 6, Block 37, and Lots 7 through 12, Block 38, Original Town, City and County of Midland, Texas, (generally located on North Main Street, between West Illinois Avenue and West Texas Avenue). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 106

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A BARBECUE, LIVE MUSIC AND STREET DANCING EVENT ON A 0.45-ACRE PORTION OF NORTH MAIN STREET RIGHT-OF-WAY ADJACENT TO BLOCKS 37 AND 38, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON NORTH MAIN STREET, BETWEEN WEST ILLINOIS AVENUE AND WEST TEXAS AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting different type of event fundrasing for pbs alco sales tables and chairs live music, staff reviewed and has no objections rec approval subj cond a-k

Council Member Love moved to adopt Resolution No. 2019 - 106; 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.

67. Hold a public hearing and consider a resolution on a request by The Bar for approval of a Temporary Land Use for an PBLA Shrimp Boil Private Event on Lots 7 through 9, Block 61, and a 0.21-acre portion of Carrizo Street right-of-way adjacent to Lot 4, Block 60 ½, and Lots 7 through 9, Block 61; all out of Original Town Addition, City and County of Midland, Texas, (generally located on the north side of West Missouri Avenue, approximately 20 feet east of South A Street). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 107

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A PRIVATE SHRIMP BOIL EVENT ON LOTS 7 THROUGH 9, BLOCK 61, AND A 0.21-ACRE PORTION OF SOUTH CARRIZO STREET RIGHT-OF-WAY ADJACENT TO LOT 4,

BLOCK 60 1/2, AND LOTS 7 THROUGH 9, BLOCK 61, ALL OUT OF ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST MISSOURI AVENUE, APPROXIMATELY 20 FEET EAST OF SOUTH A STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting The Bar requesting tluip to host a private event on property on s carrizo 4/27 5:30 to 10:30. food live acoustic guitar outside bar chair tables, 1t5 restroom 10-12 security guards. meet com plan staff rec approval. Lacy what do they do for parkingdowntown has no parking requirement.

Mayor Morales opened the public hearing at 11:42 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2019 - 107; 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.

68. Hold a public hearing and consider an ordinance on a request by Ravi C. Borra for Site Plan Approval on Lot 3, Block 35, Northgate Addition, Section 19, City and County of Midland, Texas, (generally located on the north side of Northbrook Lane, approximately 265-feet northwest of West Loop 250 North Frontage Road). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9908

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 3, BLOCK 35, NORTHGATE ADDITION, SECTION 19, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF NORTHBROOK LANE, APPROXIMATELY 265 FEET NORTHWEST OF WEST LOOP 250 NORTH FRONTAGE ROAD); 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 Misty Cryer read the caption of Ordinance No. 9908.

Development Services Director Chuck Harrington gave a brief overview of the item noting request PD district shopping center currently vacant app provided site plan for office building for medical purposes. Provide plenty parking including handicapped. fence for privacy rev by all depts in compl with comp plan. due to this staff rec approval for site plan sub cond a-b. 3/20 no loj.

Love PD and that's site plan showing sidewalks on site plan so they are committing to sidewalks being like that. Chuck required wether on sidewalks. Chuck its in ROW

Mayor Morales opened the public hearing at 11:44 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. 9908 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.

69. Hold a public hearing and consider an ordinance calling a joint public hearing by the City Council and Planning and Zoning Commission to consider the adoption of an ordinance amending Title XI, "Planning and Development", Chapter 1, "Zoning" of the City Code of Midland, Texas so as to change the heading of said Chapter 1 to "Zoning Ordinance and to revise and amend the Rules, Regulations and Zoning Map contained in or associated therewith and similar provisions related to Land Use and Development; prescribing the type of notice to be given of the time and place of the joint public hearing. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9909

AN ORDINANCE CALLING A PUBLIC HEARING TO BE HELD JOINTLY BY THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION TO CONSIDER THE ADOPTION OF AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", CHAPTER 1, "ZONING" OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO CHANGE THE HEADING OF SAID CHAPTER 1 TO "ZONING ORDINANCE" AND TO REVISE AND AMEND THE RULES, REGULATIONS AND ZONING MAP CONTAINED IN OR ASSOCIATED THEREWITH AND SIMILAR PROVISIONS RELATED TO LAND USE AND DEVELOPMENT; PRESCRIBING THE TYPE OF NOTICE TO BE GIVEN OF THE TIME AND PLACE OF THE JOINT PUBLIC HEARING; AND CONTAINING A SAVINGS AND SEVERABILITY CLAUSE

Mayor MORales read the caption of Ordinance No. 9909.

Chuck as zoning ord goes forward have specific requirements required joint ph. schedule meeting 4/23 at 6 p.m. prop to have at municipal court facility for both boards to particiapte rec approval of ord.

Mayor Morales opened the public hearing at 11:46 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. 9909 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.

70. Hold a public hearing to consider the land use assumptions and capital improvements plan under which water, wastewater, and roadway impact fees may be imposed. (ENGINEERING SERVICES)

Eric West PSC 1700 W Wall Jeff Whitacre Kimley horn consults hired dev impact fees of Midland. Provided briefing last month which shared progress. Also have available final

drafts of report and in packets all comments from committee. They all made comments. Committee very engaged on discussions and process. today opportunity on public commonet for land use assumptions and capital improvements. Avail to answer questions.

Mayor Morales opened the public hearing at 11:48 a.m.

Mark Payne 1603 Idylwild serve on community also bhome builder dev last 20. as far as land use assumptions midland is short by about 7500 homes. Don;t see as look at cip they are very broad and dtypically things are small that would be paid for by developer which builds into the cost of lot. As started there are things that only the City can do and most cip are not classified as that. There are water problem in ne midland and sewer issues. hard to lepfrog out there. A lot of projects included which inflated the overall cost of the project. Hlstorically City has not invested in development been burden of developer. the City participates in some oversizing of sewer lines and roads adn water. Impact fee is for city to recover its investments. From ihs perspective cna have list of projects done over last 5-10 years. Just ask that - there are big proejects then those projects are justified and are not within scope of what a developer can do. short of city being proactive haven't heard that from anybody. Going to accumulate funds then spend then instead of spending then recooping. If city do projects. Think the residential community will bear the burden of this when looking at impact fees. Lookat how to help Midland grow in future. Lacy asked staff to get comparable Jose still working on list as move forward. This is just land use assumption as move forward with ordinance will look at.

Chris berry 7279 ?? Betenbough Homes want to reiterate with these development agreements good example is fairgrounds rod when get impact fees potential to work with developer and get projects build out ask to consider as doing imapct fee. main infrastructure good tool to get big water but some draw backs to that ask to consider.

Trost you said not easy to work with are you saying that will impede progress. Still learning as developer hesitant to get into some kind of agreemtn wher epay impact fee and be responsible for devleopment agreemnt would have to do more research. majority of fairgrounds road and worked out with jose allowed proeject to get implemented and ubilt out faster. with ipact fees have to wait for project to come up and then money recooped at permit side. Robnett one or the other? Morales relationship with other communities/ Him Lubbock is looking at doing 50/50. Still inv ery beginning stages. Odessa is also looking at.

Eric West, PSC, in next stp working on when start working on setting actual fee and how go about is run comparison is what does it look like before and after. Very often if development is putting in own infrastructure that is part of capital plan it would offset their fees. the process will not be double dippin g. if developers need to isntall infrastructure as part of development it will likely not look any different for them and may not pay any impact fees because putting into public infrastructure on plan. that pseak to why capital plan is all encompassing. goal is to maek consistent and fiar across board for anybody who is coming ot city to develop. when talk about next step how much fee can be assesed because can only base on 10 years of that growth. what hsoin gin capital plan is more than what anticipate to build in 10 years.

There being no one else wishing to speak, the public hearing was closed at 11:59 A.M.

MISCELLANEOUS

71. Approved a resolution approving the 2018 International Building Code, 2018 International Plumbing Code, 2018 International Mechanical Code, 2018 International Fuel Gas Code, 2018 International Residential Code and the 2017 National Electrical Code, with amendments, as a public record to be filed with the City Secretary for a minimum of thirty (30) days before any action is taken by City Council. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 108

RESOLUTION APPROVING THE 2018 INTERNATIONAL BUILDING CODE, WITH AMENDMENTS, THE 2018 INTERNATIONAL PLUMBING CODE, WITH AMENDMENTS, THE 2018 INTERNATIONAL MECHANICAL CODE, WITH AMENDMENTS, THE 2018 INTERNATIONAL FUEL GAS CODE, WITH AMENDMENTS, THE 2018 INTERNATIONAL RESIDENTIAL CODE, WITH AMENDMENTS, AND THE 2017 NATIONAL ELECTRICAL CODE, WITH AMENDMENTS, AS PUBLIC RECORDS; AND PROVIDING THAT ALL OF SAID CODES SHALL BE PUT ON FILE IN THE OFFICE OF THE CITY SECRETARY FOR A MINIMUM OF THIRTY (30) DAYS BEFORE ANY ACTION IS TAKEN BY THE CITY COUNCIL

bUILDING official Steve Thorpe gave a brief overview of the item noting occurs every 3 years int code council bring out new additions of code. staff has undergone training city counil appoitned committee been in front of that comm rec to move forward with adoption of 2018 famiy of codes. first step put with proposed amendment sin city sec offices for 30 days and bring forward any comments form public regrading . new technology or projects (1 of 3 reasons), unfortunate events and occurance, and also find out things done for years don't work and better way. Committee reviewed and would like to move forward with first step. 2018 intl fire code deals with sprinkling building chosen to take wait and see to see what happens in 2021. Fire code is also talking about amending for downtown when go forward with adoption. there will be odds and ends that affect people. there are not huge issues based on how done this time and in past. Mayor after 30 days how long? Steve two council emetsin may go thru first and second with adoption in July 1. anythign under design or submitted is in old code. Love why is electrical 2017. Steve put together by different folkds.

Council Member Robnett moved to adopt Resolution No. 2019 - 108; 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.

72. Approved a motion making appointments to various Boards and Commissions.

Council Member Lacy moved to appoint Reed Claybrook to Zoning Board of Adjustments ; 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.

PUBLIC COMMENT

73. 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.)

Shirley Howard, behalf of Nation Negro prof business women just elected as to plae and time for next south central district conference. Midland Chamber invited to convernce. Did a presentation. Two weeks ago it was a challenge. We have oil and oil men as well. Elected to come March 4, 2020. Midland Chambers and Visit Mldland on board several hotels looking at and have youth the youth are awesome do vocal arts and reaching otu Council reps to come in support. Need help as whole club as someone said earlier and believe in offerings and asking for donations. Midland club take credit cards more than happy to accept your donation. Please help support and make best to ever gone to more than tumble weed and flat land.

EXECUTIVE SESSION

74. 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:

recess meeting to executive Session at 12:10 p.m.

a. Section 551.071, Consultation with Attorney

- a.1. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

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