

**MIDLAND CITY COUNCIL
MINUTES
April 09, 2019**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on April 09, 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., April 09, 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 9:59 a.m.

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

PRESENTATIONS

- a. Council Member Love presented a proclamation for Public Safety Telecommunications Personnel.
- b. Council Member Hotchkiss presented a proclamation for Senior Corps National Seervice Recognition Day.
- c. Mayor Morales presented a proclamation for Fair Housing Month.

Thursday May 2 Dennis the Meenace Park ribbon cutting softt opening to recognize playground equipment and later when spalsh pad open full opening.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a proclamation for Public Safety Telecommunications Personnel.
 - b. Presentation of a proclamation for Senior Corps National Service Recognition Day.
 - c. Presentation of a proclamation for Fair Housing Month.

CONSENT AGENDA

4. Approved a motion approving the following minutes:

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 14; seconded by Council Member Robnett.

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

- a. Regular meeting of March 26, 2019

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 14; seconded by Council Member Robnett.

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

5. Approved a resolution awarding a sole source contract for Utility Data Management System to Smart Works, a division of N. Harris Computer Corporation for the Customer Service Department (PURCHASING)

RESOLUTION NO. 2019 - 109

RESOLUTION APPROVING THE SOLE SOURCE PURCHASE OF UTILITY DATA MANAGEMENT SYSTEM SOFTWARE FOR THE CUSTOMER SERVICE DIVISION FROM SMARTWORKS, A DIVISION OF N. HARRIS COMPUTER CORPORATION OF OTTAWA, ONTARIO, CANADA; AUTHORIZING THE EXECUTION OF AN AGREEMENT THEREFOR; APPROPRIATING FUNDS IN THE AMOUNT OF \$421,369.00; AND AUTHORIZING PAYMENT THEREFOR

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 14; seconded by Council Member Robnett.

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

6. Approved a resolution entering into an agreement for five (5) years for FX Security Software Update Management Services with Dailey and Wells Communications, Inc. on a sole source basis for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2019 - 110

RESOLUTION AWARDING A SOLE-SOURCE CONTRACT FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT WITH DAILEY AND WELLS COMMUNICATIONS, INC., FOR FX SECURITY SOFTWARE UPDATE MANAGEMENT SERVICES FOR FIVE YEARS AT A TOTAL COST OF \$810,547.75; AND AUTHORIZING PAYMENT THEREFOR

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 14; seconded by Council Member Robnett.

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

7. Approved a resolution approving the purchase of a 2020 MC1510-3S3X Combination Sewer Jet/Vacuum Unit from Lonestar Freightliner Group LLC through Buyboard contract 521-16 for a total cost of \$408,903.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2019 - 111

RESOLUTION APPROVING THE PURCHASE OF A 2020 MC1510-3S3X COMBINATION SEWER JET/VACUUM UNIT FROM LONESTAR FREIGHTLINER GROUP LLC THROUGH BUYBOARD AT A TOTAL COST OF \$408,903.00

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 14; seconded by Council Member Robnett.

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

8. Approved a resolution awarding an agreement for the Industrial Pretreatment Program for the Utilities Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2019 - 112

RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR THE DEVELOPMENT, IMPLEMENTATION AND SUPPORT OF THE INDUSTRIAL PRETREATMENT PROGRAM TO FREESE AND NICHOLS, INC., OF LUBBOCK, TEXAS FOR A TOTAL COST OF \$1,152,654.00; AND APPROPRIATING FUNDS THEREFOR

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 14; seconded by Council Member Robnett.

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

9. Approved a resolution awarding a professional services agreement for the 2019 Permitting Assistance Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 113

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., TO PROVIDE CONSULTING AND ENGINEERING SERVICES FOR THE 2019 PERMITTING ASSISTANCE PROJECT FOR THE UTILITIES DEPARTMENT AT AN AMOUNT NOT TO EXCEED \$59,780.00; AND APPROVING \$14,950.00 FOR CONTINGENCIES

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 14; seconded by Council Member Robnett.

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

10. Approved a resolution approving change order two (2) to the current Water, Wastewater, & Fire Hydrant Taps Expanded Program 04 project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 114

RESOLUTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER TO THE CONTRACT WITH RED DEER CONSTRUCTION, LLC REGARDING THE WATER, WASTEWATER, & FIRE HYDRANT TAPS EXPANDED PROGRAM 04 PROJECT; SAID CHANGE ORDER TO PROVIDE FOR ADDITIONAL WORK BASED ON THE UNIT PRICES IN THE CONTRACT; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$175,000.00

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 14; seconded by Council Member Robnett.

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

11. Approved a resolution authorizing a professional services agreement with Parkhill, Smith & Cooper, Inc. for Texas Commission on Environmental Compliance (TCEQ) Landfill Testing services. (PURCHASING)

RESOLUTION NO. 2019 - 115

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., PROVIDING FOR TEXAS COMMISSION ON ENVIRONMENTAL COMPLIANCE LANDFILL TESTING SERVICES FOR THE SOLID WASTE DEPARTMENT FOR A TOTAL COST OF \$156,900.00

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 14; seconded by Council Member Robnett.

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

12. Approved a resolution authorizing the employment of the law firm of Lloyd Gosselink Rochelle & Townsend, P.C. to represent the City in all matters arising from claims made by Weatherford International Ltd. (CITY ATTORNEY'S OFFICE)

ORDINANCE NO. 2019 - 116

RESOLUTION AUTHORIZING THE EMPLOYMENT OF THE LAW FIRM OF LLOYD GOSSELINK ROCHELLE & TOWNSEND, P.C. TO REPRESENT THE CITY OF MIDLAND IN ALL MATTERS ARISING FROM CLAIMS MADE BY WEATHERFORD INTERNATIONAL LTD.

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 14; seconded by Council Member Robnett.

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

13. Approved a resolution authorizing the City of Midland to continue its membership with the Steering Committee of Cities Served by Oncor (the "Steering Committee"), and authorizing the payment of eight cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 117

RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO CONTINUE ITS MEMBERSHIP WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR (THE "STEERING COMMITTEE"); AND AUTHORIZING THE PAYMENT OF EIGHT CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 14;

seconded by Council Member Robnett.

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

14. Approved a resolution supporting the designation of an extension of Interstate 27 as a future interstate in Texas. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 118
RESOLUTION SUPPORTING THE DESIGNATION OF AN EXTENSION OF
INTERSTATE 27 AS A FUTURE INTERSTATE IN TEXAS

Love pulled to have Beauchamp give info on topic. James Beauchamp resolution want to comment and not enough boxes on witness testimony. For the extension of I-27 but very specifically extension of I-27 to Midland Odessa area. in resolution asked for support. Ass background 2 ways interstate come to be. first way is congressional action second is administrative process through process of Transportation. Have to build road out to standards and then transfer to highway state who ultimately makes that designation. The TxTrans Comm has been clear will not designate or support multi route designation. Concern if look at this designation to Laredo the segment that goes to Big Spring through Lames would be 1/2 B segment Lames through 158 is about 1B twice the cost. fear would be Tx Dept of trans would take lesser designation. passed resolution 2 years ago calling for number one don't think we need an interstate to Laredo. No justification it doesn't meet standards. however there is interstate design standards say connect between existing interstates. think can make designation from Lubbock to Midland. economic benefit drives from connecting midland lubbock and abilene. Midland and Odessa has more employment gains. more vehicle regis in midland= short of laredo to dallas ft worth. think I-27 should come to Midland. do have concerns about specifying maybe part of designation include Midland/odessa area. part of reason trying to pass resolutions if go congressional route have to have every member in effective area sign off and don't currently have that. Mayor in Lubbock he wants I-27 to connect to somewhere. there is some time to work on this. no vehicle to attach now maybe early next year. Other thing important is 7B to get to Laredo have 1B int issue not funded. Along other areas money funded to San Angelo and relief route in Big Spring. Want to see resources focused in addressing resources here. Robnett mentioned component for congressional action. James no deal filed for this ports plains and lights are trying to get together. Legis for tx house of rep sepc calling for study for ultimate route proposed to congress. Robnett do you think this resolution premature. James think it might try to perfect to draw to make sure comes to Midland Odessa area. difference in cost shrinks from 1/2 b to 110 115 m. Think we could balance 110 M. Love support I-27 coming out Midland/Odessa MDC support of this item. would it be prudent to stay and have MDC go back and make their support clearer or can we make the designation today in a vote. John O mirrors what MDC did. if amend we have a resolution doesn't match what ZMDC does and think would want to be aligned. Love would image MDC would want to clarify as well. Should give them opportunity to make that designation. Morales cities from Midland to Laredo there is not a consensus. Beauchamp no justification. Specifically they call for connecting to Laredo. If you look specifically connecting to Laredo Midland will get bypassed. Changed now to support each individual segment. Mayor is Odessa on same page. Beauchamp yes. Mayor do we need to bring other communities in for discussion. yes.

15. Approved a resolution amending the current use agreement between the City of Midland and the Sibley Environmental Learning Center Foundation, Incorporated. (COMMUNITY SERVICES)

RESOLUTION NO. 2019 - 119

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THAT CERTAIN SIBLEY NATURE CENTER USE AGREEMENT WITH SIBLEY ENVIRONMENTAL LEARNING CENTER FOUNDATION, INCORPORATED.

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 14; seconded by Council Member Robnett.

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

16. Approved a resolution approving the transfer of the Oil and Gas Well Permits and Road Repair Agreement issued to Vanguard Natural Resources, LLC (Current Operator) located in Section 6, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 120

RESOLUTION APPROVING THE TRANSFER OF FOUR OIL AND GAS WELL PERMITS FROM VANGUARD NATURAL RESOURCES, LLC ("OPERATOR") TO SMC OIL & GAS, INC. ("TRANSFeree"); AND APPROVING THE TRANSFER OF THE ROAD REPAIR AGREEMENT REGARDING SAID OIL AND GAS WELL PERMITS FROM OPERATOR TO TRANSFeree; SAID OIL AND GAS WELLS BEING LOCATED IN SECTION 6, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF HOLIDAY HILL ROAD, SOUTH OF MOCKINGBIRD LANE)

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 14; seconded by Council Member Robnett.

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

17. Approved a resolution authorizing funds from COs to be placed in the Wadley Avenue Extension Project. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 121

RESOLUTION APPROPRIATING THE SUM OF \$250,000.00 FROM THE 2019 CO FUND (158) UNAPPROPRIATED FUND BALANCE (35650) TO THE WADLEY AVENUE EXTENSION PHASE 1 DESIGN PROJECT (900301-158)

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 14; seconded by Council Member Robnett.

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

18. Approved a resolution appropriating \$87,500 from the General Fund unappropriated fund balance to the Avalon Signals Project (900296). (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 122

RESOLUTION APPROPRIATING THE SUM OF \$87,500.00 FROM THE GENERAL FUND UNAPPROPRIATED FUND BALANCE TO THE AVALON SIGNALS PROJECT (900296)

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 14; seconded by Council Member Robnett.

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

19. Approved a resolution accepting funds from the 2019 Texas "J"- Regional Advisory Council Grant. (FIRE)

RESOLUTION NO. 2019 - 123

RESOLUTION ACCEPTING A GRANT AWARD FROM THE TEXAS "J" REGIONAL ADVISORY COUNCIL IN THE AMOUNT OF \$13,182.00, FOR FUNDS TO BE USED BY THE MIDLAND FIRE DEPARTMENT FOR TRAINING, EQUIPMENT AND SUPPLIES

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 14; seconded by Council Member Robnett.

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

20. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Centurion 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 a 6" common carrier oil pipeline to adjacent Endeavor property, located within City of Midland property, Section 44, Block 38, Township 1 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 124

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND CENTURION PIPELINE L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 44, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 14; seconded by Council Member Robnett.

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

21. Approved a resolution authorizing and executing an amendment to Right-of-Way

License number 2018-426 between the City of Midland and Salt Creek Midstream LLC, said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing a gas and oil gathering system servicing the mineral owners production fields and to have the right to ingress and egress at convenient points for such purpose; the pipelines are located within City of Midland property, Sections 1 & 2. Block C-24 and sections 17, 22, 23, 24 & 25, Block C-23, Public School Land Survey, Winkler County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 125

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND SALT CREEK MIDSTREAM LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 17, 22, 23, 24 AND 25, BLOCK C-23, SECTIONS 1 AND 2, BLOCK C-24, PUBLIC SCHOOL LAND SURVEY, WINKLER COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 14; seconded by Council Member Robnett.

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

22. Approved a resolution authorizing and executing an amendment to Right-of-Way License number 2018-425 between the City of Midland and Salt Creek Midstream LLC, said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing a gas and oil gathering system servicing the mineral owners production fields and to have the right to ingress and egress at convenient points for such purpose; the pipelines are located within City of Midland property, Sections 21, 22, 25, 26, 18 & 13 Block C-23, Section 3 Block C-24, Public School Land Survey, Winkler County, Texas (UTILITIES)

RESOLUTION NO. 2019 - 126

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND SALT CREEK MIDSTREAM LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 13, 18, 21, 22, 25 AND 26, BLOCK C-23, SECTION 3, BLOCK C-24, PUBLIC SCHOOL LAND SURVEY, WINKLER COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 14; seconded by Council Member Robnett.

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

SECOND READINGS

23. Consider an ordinance on second reading 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) (First reading held March 26, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 9896.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9896 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

24. Consider an ordinance on second reading 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) (First reading held March 26, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 9897.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9897 in accordance with the Charter of the City of Midland; seconded by Council

Member Dufford.

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

25. Consider an ordinance on second reading 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) (First reading held March 26, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 9898.

Council Member Robnett moved to approve the second and final reading 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: Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Trost, Lacy.

26. Consider an ordinance on second reading 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) (First reading held March 26, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 9899.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9899 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

27. Consider an ordinance on second reading 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. Council District 4) (DEVELOPMENT SERVICES) (First reading held March 26, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 9900.

Council Member Love 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 Robnett.

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

28. Consider an ordinance on second reading 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. Council District 2) (DEVELOPMENT SERVICES) (First reading held March 26, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 9901.

Council Member Love moved to defer; seconded by Council Member Robnett.

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

29. Consider an ordinance on second reading 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) (First reading held March 26, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 9902.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9902 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

30. Consider an ordinance on second reading 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) (First reading held March 26, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 9903.

Council Member Love moved to approve the second and final reading of Ordinance No. 9903 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

31. Consider an ordinance on second reading 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) (First reading held March 26, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 9904.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9904 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

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

32. Consider an ordinance on second reading 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) (First reading held March 26, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 9905.

Council Member Love moved to approve the second and final reading of Ordinance No. 9905 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

33. Consider an ordinance on second reading 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) (First reading held March 26, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 9906.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9906 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

34. Consider an ordinance on second reading 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) (First reading held March 26, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 9907.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9907 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

35. Consider an ordinance on second reading 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. Council District 1) (DEVELOPMENT SERVICES) (First reading held March 26, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 9908.

Council Member Love moved to approve the second and final reading of Ordinance No. 9908 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

36. Consider an ordinance on second reading 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) (First reading held March 26, 2019)

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9909.

Council Member Love moved to approve the second and final reading of Ordinance No. 9909 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

PUBLIC HEARINGS

37. Hold a public hearing and consider an ordinance on a request by Crystalyn Wright for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, on the south half of Lot 12, Block 38, Original Town Addition, City

and County of Midland, Texas. (Generally located on the east side of North Main Street, approximately 65-feet south of East Illinois Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9910

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS THE SOUTH HALF OF LOT 12, BLOCK 38, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MAIN STREET, APPROXIMATELY 65 FEET SOUTH OF EAST ILLINOIS AVENUE), 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 BAR FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9910.

Development Services Director Chuck Harrington gave a brief overview of the item noting amend SUP for Buffalo Nickel 216 N Main. hours of oper mon thur 3-11 fri sat 3-12 sund 12-9. now req to amend hours from monsat 3-12 and sunday 12-12. staff has reviewed application does meet req in compl with comp plan sstaff rrec approval. no loj. Love amendment or new. chuck amendment to existing. Love 300 feet. Chuck front door to front door.

Mayor MOrales oph 10:35 a.m. cph

Council Member Love moved approval of the first of two readings of Ordinance No. 9910 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

38. Hold a public hearing regarding the proposed granting of oil and gas well permits to Parsley Energy Operations, LLC, for the drilling of oil and gas wells, being Massey Unit A 2809H located 815 feet from the south line and 230 feet from the west line, Massey Unit A 4209H located 835 feet from the south line and 230 feet from the west line, and Massey Unit A 4309H located 855 feet from the south line and 230 feet from the west line Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said wells are generally located between 790 feet and 830 feet north of Loop 250 and 230 feet east of Lamesa Road.) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting same pad as before 3 weells. Recieved on notice of objection for each well.. 24 foot sound walls. asking 2 variances one landscaping and 24-hour frac. Dufford requiring higher sound walls? Ron Faskin will be 30 hiughest ever gone. got away from 16 . Hotchksis variance for landscaping? Ron ask rep to expand move fencing feel screen of fencing suff until dev comes in.

Mayor MOrales oph 10:38 a.m.

Chris Hamilton, 9800 Ft Worth. once gets past fracing will work with developer to ahve fence and will match the fence and landscaping. 24 foot sound walls until production phase. glasd to ans any questions. Morales pit? Chris tank and frac pit outside City limits.

cph 10:39 a.m.

39. Hold a public hearing and consider an ordinance on a request by Tradewinds and Thomason Apartments, LLC, for the initial zoning 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. 9911

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS 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, AS AN MF-2, MULTIPLE-FAMILY DWELLING DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9911.

Development Services Director Chuck Harrington gave a brief overview of the item noting initial zoning of 9.75 acre tract to be zoned MF2. This proposal locate multi family dev. circ to all depts no objec in compl with comp plan it willr esult in investment of established area of capital assets. p7z rec approval staff rec approval. no loj.

Love how many apt complex currently under construction or permitted? Chuck permitted for construction or zone changed? Chuck believe last count would be aobut 6 complex. will double check.

Mayor MOrales oph 10:41 a.m. cph

Council Member Love moved approval of the first of two readings of Ordinance No. 9911 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

40. Hold a public hearing and consider an ordinance request by Coraima Garibay for a Specific Use Permit with term, for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 1, Block 172, Southern Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of East California Avenue and South Terrell Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9912

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 172, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST CALIFORNIA AVENUE AND SOUTH TERRELL STREET), WHICH IS PRESENTLY ZONED LR-3, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9912.

Chuck req made for property prop to add sale of alco bev furr hours op 10-10 prop alco bev serv t-sat 10-10 sun 12-10. rev by all depts and no comments. in compl with com pplan and rec unan by p7z. meets all req staff rec approval. Love not open on mondays? Chuck guess not.

Mayor MOrales oph 10:43 a.m. cph

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9912 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

MISCELLANEOUS

41. Consider an ordinance establishing a temporary regulatory construction speed limit on Midkiff Road, from West Gist Avenue to the southern corporate limits of the City, for the duration of a roadway improvement project by the Texas Department of Transportation; authorizing installation of appropriate signs and markings; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00), except that the maximum penalty or fine shall be four hundred dollars (\$400.00) if an offense occurs in a construction or maintenance work zone when workers are present; and ordering publication. (ENGINEERING SERVICES)

ORDINANCE NO. 9913

AN ORDINANCE ESTABLISHING A TEMPORARY REGULATORY CONSTRUCTION SPEED LIMIT ON MIDKIFF ROAD, FROM WEST GIST AVENUE TO THE SOUTHERN CORPORATE LIMITS OF THE CITY, FOR THE DURATION OF A ROADWAY IMPROVEMENT PROJECT BY THE TEXAS DEPARTMENT OF TRANSPORTATION; AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF

TWO HUNDRED DOLLARS (\$200.00), EXCEPT THAT THE MAXIMUM PENALTY OR FINE SHALL BE FOUR HUNDRED DOLLARS (\$400.00) IF AN OFFENSE OCCURS IN A CONSTRUCTION OR MAINTENANCE WORK ZONE WHEN WORKERS ARE PRESENT; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9913.

Traffic Engineer Mike Pacelli gave a brief overview of the item noting traffic ord for work zone. tx dot starting construction on i-20 aand midkiff sometimes in 2020. they jhandle speed limit but asked for city ord for Midkiff. staff rec approval.

Love first of several going to see in next years ecause I-20 plan req overpasses to be switched all along I-20. isntead of under will go over overapsses. tired of htting bridges.

Council Member Love moved approval of the first of two readings of Ordinance No. 9913 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

42. Consider an ordinance establishing intersection stops at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES)

ORDINANCE NO. 9914

AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE DESIGNATED LOCATIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9914.

Traffic Engineer Mike Pacelli gave a brief overview of the item noting two more traffic this sotp sign next yield this is last of round of conversions. tthere are 121 yeield to stop conversions and 70 new locations primarily in new subdivisions. Robnett how many? Mike got to be at least oer 500 what is as percentage? Mike this is one of bigger one last batch. ONLY ord location where yield sign not repeating required by state law don't ord yeild sign already required by state law. one other location golf course and scharber. gotten rid of everyone except one that was ordnanced. Dufford how determine where yiled sign palced. Mike this case blanekt repalcement found in msot locjations where yield signs been growing ssite distance concerns. If new location if adequate site distance for approaching vehicle tthat need to yield row to should be eligible for yield. in most casese because of development very few locations where yiled sign appropriate. Mayor who is doing study. mike internally with staff. Dufford just drive out or do traffic counts. Mike measure ssite distance blanket is anywhere yiled can tell if fits criteria. yield signs used more widely several decade ago it will be unusal cases to require site

vvisit.

Council Member Love moved approval of the first of two readings of Ordinance No. 9914 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

43. Consider an ordinance establishing yield right-of-way signs at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES)

ORDINANCE NO. 9915

AN ORDINANCE ESTABLISHING YIELD RIGHT-OF-WAY SIGNS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; REQUIRING AND AUTHORIZING THE POSTING OF APPROPRIATE SIGNS AT SAID INTERSECTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9915.

Mike update of uyield corresp

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9915 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

PUBLIC COMMENT

44. 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.)

Leah Williams, Safe to Save, 3112 Chelsea Place, rep safe to save safe driving initiative reqARds drivers for not texting behind wheel. Propose City wide competition for COM approved with Odessa 8 week competition any resident or civillian living can join comp. dowload app join competiiton then in. Title sponsor subaru of Midland \$8000 of prize money. random drawing for anyone in competition weekly for 8 week period. partnership with city everyone on board to get word otu working with press and social media so successful competition. Mayor safe to safe is app program to reduce textiing and driving. Love council members eligible. Leah anyone in City of Midland. Morales

program success thus far and want to beat odessa. Would love to have Midland on board. Dufford if have app it knows your driving. Leah once drive 10 mph or faster start earning points. You earn rewards that can be redeemed at local businesses around town. Hotchkiss this is ongoing been in effect. Leah app around 2016. Mayor get with Tony to get publicized.

adjourn 10:55 a.m.

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