

**MIDLAND CITY COUNCIL
MINUTES
April 23, 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 23, 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 23, 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 10:09 a.m.

absent trost and morales

trost present

1. Pledge of Allegiance
2. Invocation - Reverend Pat Bryant, Travis Baptist Church

PRESENTATIONS

- a. Hotchkiss presented
- b. Mayor presented walk to end alzheimers october 5th.
3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of proclamation to EZ Rider for National Get On Board Day.
 - b. Presentation of proclamation for Alzheimer's Congressional Team of the Year Celebration Month.

CONSENT AGENDA

4. Approved a motion approving the following minutes:

Council Member Robnett moved to approve Consent Agenda items 4 - 17 excluding ; 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.

- a. Regular City Council Minutes of April 9, 2019.

Council Member Robnett moved to approve Consent Agenda items 4 - 17 excluding ; 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.

5. Approved a resolution awarding a contract with Unite Private Networks, L.L.C. for the Fiber Connectivity Project for Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2019 - 127

RESOLUTION AWARDED A CONTRACT FOR THE FIBER CONNECTIVITY PROJECT TO UNITE PRIVATE NETWORKS, L.L.C., FOR A TOTAL INSTALLATION COST NOT TO EXCEED \$500,000.00 AND A FIVE YEAR MAINTENANCE TERM COST NOT TO EXCEED \$250,200.00; AND APPROVING \$50,000.00 IN CONTINGENCIES

Council Member Robnett moved to approve Consent Agenda items 4 - 17 excluding ; 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.

6. Approved a resolution approving the purchase of twelve (12) Uninterruptible Power Supply battery backup systems from Paradigm Traffic Systems, Inc. through Buyboard contract 524-17 for a cost of \$54,000.00 for the Traffic Division. (PURCHASING)

RESOLUTION NO. 2019 - 143

RESOLUTION APPROVING THE PURCHASE OF 12 UNINTERRUPTIBLE POWER SUPPLY BATTERY BACKUP SYSTEMS FROM PARADIGM TRAFFIC SYSTEMS, INC. THROUGH BUYBOARD AT A TOTAL COST OF \$54,000.00

Council Member Robnett moved to approve Consent Agenda items 4 - 17 excluding ; 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.

7. Approved a resolution approving the purchase of twelve (12) Wavetronix Matrix radar detection packages from Road Bond project funds from Twincrest, Inc., dba Twincrest Technologies through the Houston-Galveston Area Council (H-GAC) for a cost of \$221,460.00 for the Traffic Division. (PURCHASING)

RESOLUTION NO. 2019 - 144

RESOLUTION APPROVING THE PURCHASE OF 12 WAVETRONIX MATRIX RADAR DETECTION PACKAGES FROM TWINCREST INC., DOING BUSINESS AS TWINCREST TECHNOLOGIES, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$221,460.00; AND APPROPRIATING FUNDS THEREFOR

Council Member Robnett moved to approve Consent Agenda items 4 - 17 excluding ; 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.

8. Approved a resolution awarding a professional services agreement to Parkhill, Smith & Cooper, Inc. for professional services to assist with the design, bidding and construction phase of the wastewater line extension along Briarwood Avenue for a cost of \$88,103.00 plus \$22,026.00 in contingencies for an amount not to exceed of \$110,129.00 for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 130

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., TO PROVIDE DESIGN AND ENGINEERING SERVICES FOR THE DESIGN OF THE BRIARWOOD SEWER MAIN EXTENSION FOR THE UTILITIES DEPARTMENT, FOR AN AMOUNT NOT TO EXCEED \$88,103.00; AND APPROVING \$22,026.00 IN CONTINGENCIES

Council Member Robnett moved to approve Consent Agenda items 4 - 17 excluding ; 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.

9. Approved a resolution approving a Professional Services Agreement with Optidge, Inc., in the amount of \$60,750.00. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 131

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND OPTIDGE, INC.

Council Member Robnett moved to approve Consent Agenda items 4 - 17 excluding ; 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.

10. Approved a resolution approving a Consulting Services Agreement with Texas Health Institute for multiple projects. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 132

RESOLUTION APPROVING A CONSULTING SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND TEXAS HEALTH INSTITUTE

Council Member Robnett moved to approve Consent Agenda items 4 - 17 excluding ; 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.

11. Approved a resolution approving a consulting services agreement with M. Hensley Consulting for multiple projects. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 133

RESOLUTION APPROVING A CONSULTING SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND M. HENSLEY CONSULTING

Council Member Robnett moved to approve Consent Agenda items 4 - 17 excluding ; 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.

12. Approved a resolution granting a variance to Ordinance 8769, (January 1, 2010 Oil and Gas Well Drilling Ordinance), for proposed Lot 1, Block 1, Llano Country Addition, City and County of Midland, Texas, (generally located on the northwest corner of Briarwood Avenue and Golden Gate Drive), by permitting construction of buildings where no portion of any structure is closer than 220-feet of an existing oil and gas well. (Pecan Acres 23 No. 7). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 134

RESOLUTION GRANTING A VARIANCE FOR A 4.712-ACRE TRACT OF LAND OUT OF SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF BRIARWOOD AVENUE AND GOLDEN GATE DRIVE), BY PERMITTING CONSTRUCTION OF BUILDINGS WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 220 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

Council Member Robnett moved to approve Consent Agenda items 4 - 17 excluding ; 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.

13. Approved a resolution to allocate \$100,000 from the 2019 Operating Budget for the Traffic Division in General Fund (001) to the Cowden Park Traffic Calming Project (900302), and also to allocate \$150,000 from the 2019 Operating Budget for the Traffic Division in the General Fund (001) to the Abell JHS Ped Crossing Traffic Calming Project (900303). (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 135

RESOLUTION ALLOCATING THE SUM OF \$100,000.00 FROM THE 2019 OPERATING BUDGET FOR THE TRAFFIC DIVISION IN GENERAL FUND (001) TO THE COWDEN PARK TRAFFIC CALMING PROJECT (900302); AND ALLOCATING THE SUM OF \$150,000.00 FROM THE 2019 OPERATING BUDGET FOR THE TRAFFIC DIVISION IN THE GENERAL FUND (001) TO THE ABELL JHS PED CROSSING TRAFFIC CALMING PROJECT (900303)

Council Member Robnett moved to approve Consent Agenda items 4 - 17 excluding ; 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.

14. Approved a resolution approving the Land Use Assumptions and Capital Improvements Plan for the City of Midland. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 136

RESOLUTION APPROVING THE LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN RELATED TO THE POSSIBLE ADOPTION OF WATER, WASTEWATER, AND ROADWAY IMPACT FEES

Council Member Robnett moved to approve Consent Agenda items 4 - 17 excluding ; 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.

15. Approved a resolution setting the date, time, and location of a public hearing to consider the imposition of water, wastewater, and roadway impact fees. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 137

RESOLUTION SETTING THE DATE, TIME, AND LOCATION OF A PUBLIC HEARING TO CONSIDER THE IMPOSITION OF WATER, WASTEWATER, AND ROADWAY IMPACT FEES

Council Member Robnett moved to approve Consent Agenda items 4 - 17 excluding ; 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.

16. Approved a resolution appointing substitute Associate Judges. (MUNICIPAL COURT)

RESOLUTION NO. 2019 - 138

A RESOLUTION APPOINTING SUBSTITUTE JUDGES FOR THE CITY OF MIDLAND MUNICIPAL COURT.

Council Member Robnett moved to approve Consent Agenda items 4 - 17 excluding ; 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 specified amendments to the General Orders of the Midland Police Department. (POLICE)

RESOLUTION NO. 2019 - 139

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, APPROVING CERTAIN AMENDMENTS TO THE GENERAL ORDERS OF THE MIDLAND POLICE DEPARTMENT; AND PROVIDING THAT THE CITY COUNCIL IS THE POLICYMAKING AUTHORITY OF THE CITY OF MIDLAND

Council Member Robnett moved to approve Consent Agenda items 4 - 17 excluding ; 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.

SECOND READINGS

18. 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.) (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 9.4203-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 Jan Hamilton read the caption of Ordinance No. 9901.

Chuck Harrington applicant had something went thru first reading. issue having to deal with way land was financed. had to amend what was originally submitted. Long skinny piece no longer included. Ask consider passing with amended exhibits. Love clarified otp piece will not be amended.

Robnett did we grant city manager authority to make minor changes. Chuck no working on that. what anticipate bringing back somethign says this is what we want to see rest turn over to administration.

Lacy this group more units under construction. chuck probably. Robnett ok with giving courtney sitej plan approval going forward? renadall eys.

Council Member Robnett moved to grant City Manager authority to make minor site plan changes ; 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.

Council Member Robnett moved to reconsider item 18; 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.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9901 in accordance with the Charter of the City of Midland with amendment to grant new site plan and give City Manager authority to make minor changes to this site plan going forward.; 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.

19. Consider an ordinance on second reading 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) (First reading held April 9, 2019)

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 Jan Hamilton read the caption of Ordinance No. 9910.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9910 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

20. Consider an ordinance on second reading 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) (First reading held April 9, 2019)

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 Jan Hamilton read the caption of Ordinance No. 9911.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9911 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.

21. Consider an ordinance on second reading on a 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) (First reading held April 9, 2019)

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 Jan Hamilton read the caption of Ordinance No. 9912.

Council Member Love moved to approve the second and final reading of Ordinance No. 9912 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

22. Consider an ordinance on second reading 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) (First reading held April 9, 2019)

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 Jan Hamilton read the caption of Ordinance No. 9913.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9913 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Trost TxDot is closing eventually by end of this year first of next bridges across I-20 on Midkiff and overpass and one further down. Love TxDot \$43 M study reverse overpasses instead of interstate going under overpasses and truck hitting the interstate will go over the roads. this one planned before txdot study. Trost want public to know it will be bottle neck down Midkiff and horseshoe. Lacy this project moved to front of list with matching \$2 M grant from MDC. leveraging.

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

23. Consider an ordinance on second reading 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) (First reading held April 9, 2019)

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 Jan Hamilton read the caption of Ordinance No. 9914.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9914 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.

24. Consider an ordinance on second reading 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) (First reading held April 9, 2019)

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 Jan Hamilton read the caption of Ordinance No. 9915.

Council Member Love moved to approve the second and final reading of Ordinance No. 9915 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.

PUBLIC HEARINGS

25. Hold a public hearing and consider a resolution on a request by Arts Council of Midland for approval of a Temporary Land Use for an Arts Festival on Lots 13 through 24, Block 66; a 0.41-acre portion of South Loraine Street right-of-way between West Wall Street and West Missouri Avenue adjacent to said lots; and a 0.14-acre portion of alley right-of-way located in Block 66, all out of Original Town Addition, City and County of Midland, Texas, (generally located at the southeast corner of the intersection of South Loraine Street and West Wall Street). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 140

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN ARTS FESTIVAL ON LOTS 13 THROUGH 24, BLOCK 66, A 0.41-ACRE PORTION OF SOUTH LORAIN STREET RIGHT-OF-WAY LOCATED ADJACENT TO SAID LOTS, AND A 0.14-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 66, ALL OUT OF ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH LORAIN STREET AND WEST WALL 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 36th annual celebration of arts for tlup. held in 117 west wall portion of s loraine. hours and ays are fri may 17 sun may 19. worked with staff prov adeq restroom and min of 2 cert peace officers on duty. reviewed by staff no issues. staff rec approval subj cond a-k. rec no loj.

Mayor Morales oph 10:37 a.m.

Mark Kimball 112, S Loraine, requested garage be available made an entrance to garage need that available in past made that through alley but vendors think great place to park. just would like a notch cut out. Robnett did we work with you lawt year. Mark yes if need parking or storage happy to help. mayor chuck noted. There being no one else wishing to speak, the public hearing was closed at 10:39 a.m.

Council Member Hotchkiss moved to adopt Resolution No. 2019 - 140; 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. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for a Zone Change from a PD, Planned District for a Shopping Center to an Amended PD, Planned District for a Shopping Center on a 7.789-acre portion out of Lot 5, Block 27, Wydeewood Estates, Section 20, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of West Wadley Avenue and North Loop 250 West.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9916

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 7.789-ACRE TRACT OF LAND OUT OF LOT 5, BLOCK 27, WYDEWOOD ESTATES, SECTION 20, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SUNBURST DRIVE, APPROXIMATELY 629 FEET SOUTH OF WEST WADLEY 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 Jan Hamilton read the caption of Ordinance No. 9916.

Development Services Director Chuck Harrington gave a brief overview of the item noting portion of Kohl retail store reducing their footprint to 72,000 sq ft space avail for fitness avail of 23500 sq feet. there is adequate parking 446 space all uses. height of bldg meets req. staf rev req and would rec approval subj to cond a-c. no loj.

Mayor Morales opened the public hearing at 10:41 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. 9916 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.

27. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for a Zone Change from a PD, Planned District for a Shopping Center to an Amended PD, Planned District for a Shopping Center on a 0.599-acre portion out of Lot 5, Block 27, Wydeewood Estates, Section 20, City and County of Midland, Texas. (Generally located on the east side of North Loop 250 West Frontage Road, approximately 600-feet south of West Wadley Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9917

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 0.599-ACRE TRACT OF LAND OUT OF LOT 5, BLOCK 27, WYDEWOOD ESTATES, SECTION 20, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH LOOP 250 WEST FRONTAGE ROAD, APPROXIMATELY 600 FEET SOUTH OF WEST WADLEY 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 Jan Hamilton read the caption of Ordinance No. 9917.

Development Services Director Chuck Harrington gave a brief overview of the item noting amendment of pd for lots in front of Kohl proposed fitness center to add two additional retail spaces for retail sales. adequate site spacing adequate parking also have reciprocal access easement for parking. meets req for height, buldng materials, rev by depts rec approbl subj to cond a-C no loj. Love concern about where it sits right in front of spring store. that little area is an exit, it is so narrow if you have a truck really hard to get in and out when it might take away parking. chuck already addressed issues that will have to be addressed in building permit. hotchkiss have they acknowledge that roads weren't lined up properly have they responded? chuck have not seen anything but i will be addressed at building permit process. Love what is going to happen to little cliff inbetween Kent and DoubleDaves people can go down sever steep drop, is circulation continue to allow? Chuck it will be taken into consideration. Mike is here and heard what saying. Trost also used by pick up form solid waste. Mike Pacelli traffic engineer. Double daves up in this area here so area talkinga bout is off of this site parking lot north of cracker barrel their concern is (adress in building permit) 4 way intersection having driveway close to intersection and doesn't line up. his comment out of his jurisdiction but doesn't want another drive so close to road no authority to deny. Lacy private property. Hotchkiss want to ensure to communicate Council's concern to them. Chuck already addressed no resolution at this time but getting near building permit .

Mayor Morales opened the public hearing at 10:47 a.m.

Deborah morris 3108 Loma, on Sat at 1:45 got arrested. not right time, will come up at

right time. There being no one else wishing to speak, the public hearing was closed 10:48 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9917 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.

28. Hold a public hearing and consider an ordinance on a request by David Diaz for a vacation of a 0.03-acre portion and a 0.05-acre portion of the alley right-of-way located in Section 26, Block 39, T-1-S, T&P RR. Co. Survey, City and County of Midland, Texas. (generally located on the north side of West Cuthbert Avenue, approximately 135-feet west of North Main Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9918

AN ORDINANCE VACATING AND ABANDONING A 0.03-ACRE PORTION OF ALLEY RIGHT-OF-WAY AND A 0.05-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN SECTION 26, BLOCK 39, T-1-S, T&P RR. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST CUTHBERT AVENUE, APPROXIMATELY 135 FEET WEST OF NORTH MAIN STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$6,840.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9918.

Development Services Director Chuck Harrington gave a brief overview of the item noting alley vacation to dev property to ne for residential uses. approx .03 and .05 of alley residuals left there. mcad appraised \$2 sq ft \$6840. staff rev no issues includes review by soldis waste. all staff in favor of release. staff rec approval of two portion of alley row resid subjh to payment and replatting. one loj is included in packet. Dufford where objection suspect to south. not positive.

Mayor Morales opened the public hearing at 10:50 a.m.

Cella River 1049 E Cuthbert, they are not going to take any property from first house. staff no.

Brenda Wassier 110 W Cuthbert, she has objection been there since 1991 no problem with utilities or waste they've been coming through part of her land to pick up trash. objecting they have a fence and trees so opposed to this. Love are you opposed. They are paying property tax on all of that land and nobody has come to heer asked her to give her land. Robnett you are payiing taxes on City of Midland property on her property. MORris, City is using her property now go in reverse and not cut across her property. Love this will help route normally take they won't be able to because vacating City property to allow Mr. Diaz to build trash truck won't come across her property any more. Morales you just don't wasnt growth. Breanda she can develop vacant lots. Courtney their fence is intruding in City property. 2nd lady they already paid for that property. Courtney staff will take a look.

David Diaz 208 N Marienfeld asking on behalf of MDC not sure where her property is need to know where it is. Cindy Clatt Schumann Engineering this peice of property the alley going east west and going north south dedicated to City in 1930's it is vacant land not being used. There is an alley and fence encroaching into it their land comes up to the south. Lacy adjacent property adjacent to another piece of proeprty has every legal right to purchase. asked to point which hous is her.Cindy Clatt clarified where property line was aexplaining that their fence is outside of their property line. Fence lines do not mean property lines. John looks like abutting owner that has not been introduced to conversation. Cindy showed where piece to be vacated. the property owner that is adjacent has already signd off. Robnett the beginning approval was not between City and proeprty owner was between MCDC and property owner. She signed a release with MCDC. Mayor MOrales 108 110 Cuthbert this does not affect their property. Love then your fence is in violation of City Code. Mayor this is first reading and will have time to work on it will figure out.

There being no one else wishing to speak, the public hearing was closed at 11:02 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9918 in accordance with the Charter of the City of Midland with waiving of fee for vacation; 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.

29. Hold a public hearing and consider a resolution on a request by Pedro Flores for a temporary land use for a car stereo sound competition on Lot 3A, Block 92, Permian Estates, Section 7, City and County of Midland, Texas, (generally located on the west side of South Midkiff Road approximately 171-feet south of Travis Avenue). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 141

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CAR STEREO SOUND COMPETITION ON LOT 3A, BLOCK 92, PERMIAN ESTATES, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH MIDKIFF ROAD APPROXIMATELY 171 FEET SOUTH OF TRAVIS 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 applicant proposingto have car stereo sound competition. car stereo business at this location. prop comp sat may 11 10-6. they are proposing music no alco bev will provide restrooms facilities boht men and women for length of operaiton. rev by staff rec approval subj to cond a-f in packet. didi receive one loj.

Mayor Morales oph 11:05 a.m.

Pedro Flores 2410 Stutz Place aftermarket accessories community event, want to see who can get loudest at end of day. sanctioned event instead of doing everywhere. Morales one vehicel at time facing down south of building so buildintg will muffle sound. Lacy how measure, Pedro microphone. Morales noise ordinance? Courtney yes,

always in affect. Dufford no different than band. Morales any vendors. Pedro no this first one don't expect too big maybe 50 throughout whole period.

Alicia Lee 3303 Travis, heer house is to south and she was opposed to because elderly dog with seizures these noises will set off. Couple weeks ago had 8 within 24 hour period. She talked to Pedro earlier he did say in area to north of building so not opposed to parking don't want loud thumping close to house.

cph 11:09 a.m.

Mayor ask to make sure everything in portion of parking lot so as not to disturb.

Council Member Love moved to adopt Resolution No. 2019 - 141; 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.

30. Hold a public hearing and consider a resolution to continue in effect Title VI, "Police Regulations", Chapter 9, "Curfew Hours for Minors", of the Midland City Code Pursuant to Texas Local Government Code Section 370.002. (POLICE)

RESOLUTION NO. 2019 - 142

RESOLUTION EXPRESSING THE INTENT OF THE MIDLAND CITY COUNCIL TO CONTINUE IN EFFECT TITLE VI, "POLICE REGULATIONS", CHAPTER 9, "CURFEW HOURS FOR MINORS", OF THE MIDLAND CITY CODE PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 370.002

Council Member Lacy moved to adopt Resolution No. 2019 - 142; seconded by Council Member Hotchkiss.

Courtney cont of req to have start and end date of ord do every 3 years.

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

Council Member Lacy moved to reconsider; seconded by Council Member Robnett.

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

Mayor Morales oph 11:12 a.m. cph

Council Member Dufford moved to adopt Resolution No. 2019 - 142; seconded by Council Member Lacy.

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

31. At approximately 6:00 p.m. in Courtroom A, at the Midland Municipal Court, 201 East Texas Avenue, Midland, Texas hold a Joint Public Hearing with the Planning and Zoning

Commission to consider 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 therein or associated therewith and similar provisions related to land use and development. This is a public hearing only. (DEVELOPMENT SERVICES)

meet at Muiciapl court at 6:00 p.m . tonight.

Harrington quick slide show.

PUBLIC COMMENT

32. 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.)

Deborah Morris 3108 Loma, on Sat at 1:45 arrested. She left her 9 and 3 year old 7 old boy home last night on second job came and arrested at first job. They cost 1400 for 2 bedroom small place. what was she supposed to do worked 2 jobs. the cost of living here you can't keep on asking neighbor to take care of hcildren. what is she to do. event hough sit is not true we need help. May make plan of action for 2021 to build community child care facility night and day. night only and weekend only but what about night and weekend care. com prropose let us develop community service. buy park and com provide facility and provide service and train seniors and others to have solid foundation to go in to work. children won't be in danger have city funds go back into city because price go back. don't be a hero only dlets be a doer. provide a faciity where develop a plan to train how to place training house a palce for children to come at night and weekend and provide startt up cost by 2021 would be in process.

Hotchkiss invite Jennie garcie up introduce herself. Jenny Garcia general manager for ez rider. Tahnked sharla to recognzie for get on board easy transit day april 25 free for all to encourage public to ride get out ad know public transit. have plans coming up and workshops for public to put input in do need to upgrade fleet. focus on safety first. thankedd for supporting them and public transit.

Em Carnett 310 Ellen Greathouse Circle coming into back door and there is no bannisters on side knees really bad cannot get back out unless someone helps. Said according to ordinance for handicapped handicapped came in on north door. door says handicapped access is on easat side. Hotchkiss once supon time saved child from drowning, hope youw ill be overjoyed with new Dennis the Menace park.

Richard Case 1500 Murray St, a safety issues exists in Cowden Park, roughly bordered by Mayberry and Alley that paralels Ward, in ne corner large manhole with metal cover 4 feet in diameter plastic stantions surrounding joined with plastic tape. manhole existed for about a eyar and wonder if can get city to finish and close back up again. within ne corner of the park.

EXECUTIVE SESSION

11:23 a.m.

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

a. Section 551.087, Deliberate Economic Development Negotiations

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

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

PASSED AND APPROVED the __ day of ____, 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary