

**MIDLAND CITY COUNCIL
MINUTES
May 22, 2018**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on May 22, 2018.

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

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Police Chief Steve Henry, Fire Chief Chuck Blumenauer, Utilities Director Laura Wilson, Administrative Services Director __, 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 Morris Williams, Planning Division Manager Jessica Carpenter, Building Official Steve Thorpe, and Public Information Officer Elana Ladd.

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., May 22, 2018.

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

Council Members absent: None.

Staff members present at the annex table: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, and Assistant City Manager Robert Patrick.

The Agenda Items were heard in the following order:

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

OPENING ITEMS

cto 1002

1. Invocation - Senior Pastor Steve Schorr, First Presbyterian Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

CONSENT AGENDA

Council Member Robnett moved to approve Consent Agenda items 4 - 20 excluding 5, 14, 17; seconded by Council Member Dufford.

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

4. Approved a motion approving the following minutes:
 - a. Regular meeting of May 8, 2018
6. Approved a resolution authorizing a reallocation of certain Community Development Block Grant funds from previous program years to the Community Development Block Grant Fund Program Year 2017-2018 in the amount of \$99,000.43. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 180

RESOLUTION AUTHORIZING AND APPROVING A REDUCTION OF THE AUTHORIZED BUDGETS FOR THE 2015 SENIOR NUTRITION PROGRAM BY \$10,000.00, THE 2015 GREENWOOD DEVELOPMENT PROJECT BY \$20,000.43, THE 2016 OHAP MAJOR PROGRAM BY \$20,000.00, THE 2014 OHAP MAJOR PROGRAM BY \$19,000.00, AND THE 2016 CONTINGENCY BY \$30,000.00, AN INCREASE OF THE AUTHORIZED BUDGET FOR THE CDBG 2017 GREENWOOD INFRASTRUCTURE IMPROVEMENT PROJECT BY \$99,000.43, AND THE TRANSFER OF FUNDS TO EFFECT THE SAME

7. Approved a resolution awarding a contract for the Fiscal Year 2018 Community Development Block Grant (CDBG) Sidewalk Project for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 181

RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2018 COMMUNITY DEVELOPMENT BLOCK GRANT SIDEWALK PROJECT TO SPEEDCRETE, INC. IN THE AMOUNT OF \$429,100.00; APPROVING \$5,784.63 FOR

CONTINGENCIES; AND AUTHORIZING PAYMENT THEREFOR

8. Approved a resolution awarding professional services agreements for on-call engineering services for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 182

RESOLUTION APPROVING THE SELECTION OF MAVERICK ENGINEERING, PARKHILL, SMITH & COOPER, INC. AND KIMLEY-HORN AND ASSOCIATES, INC. TO ASSIST THE ENGINEERING SERVICES DEPARTMENT BY PROVIDING PROFESSIONAL ENGINEERING SERVICES, ARCHITECTURE SERVICES, LANDSCAPE ARCHITECTURE SERVICES, LAND SURVEYING SERVICES, REAL ESTATE APPRAISING SERVICES, AND SERVICES PROVIDED IN CONNECTION THEREWITH ON AN AS-NEEDED BASIS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH EACH FIRM; PROVIDING THAT EACH AGREEMENT SHALL BE FOR A TERM NOT TO EXCEED THREE YEARS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF TASK ORDERS IN ACCORDANCE WITH SUCH AGREEMENTS; PROVIDING THAT THE PAYMENT FOR EACH TASK ORDER EXECUTED IN ACCORDANCE WITH SUCH AN AGREEMENT SHALL NOT EXCEED \$150,000.00; PROVIDING THAT THE TOTAL COST TO THE CITY FOR ALL TASK ORDERS EXECUTED EACH YEAR IN ACCORDANCE WITH EACH AGREEMENT SHALL NOT EXCEED \$300,000.00 PER AGREEMENT PER YEAR; AND AUTHORIZING PAYMENT THEREFOR

9. Approved a resolution authorizing an agreement for the sole source purchase for Cityworks Server and ArcGIS Enterprise hosting from NewEdge Services LLC of Frisco, Texas for a not to exceed cost of \$51,000.00 for one (1) year with two (2) possible renewals at \$48,500.00 for each additional year for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 183

RESOLUTION APPROVING AN AGREEMENT WITH NEWEDGE SERVICES, LLC OF FRISCO, TEXAS, FOR THE SOLE SOURCE PURCHASE OF CITYWORKS SERVER AND ARCGIS ENTERPRISING CLOUD HOSTING SERVICES AT A TOTAL COST NOT TO EXCEED \$51,000.00

10. Approved a resolution authorizing an agreement for the sole source purchase of licensing and software maintenance support for Cityworks software from Azteca Systems, Inc. of Sandy Utah for a total cost of \$185,218.00 for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2018 - 184

RESOLUTION APPROVING AN AGREEMENT WITH AZTECA SYSTEMS, LLC OF SANDY, UTAH, FOR THE SOLE SOURCE PURCHASE OF CITYWORKS SOFTWARE LICENSING AND MAINTENANCE AT A TOTAL COST OF \$185,218.00

11. Approved a resolution approving the purchase of five thousand (5,000) tons of Flexible Base Caliche from CSA Materials, Inc. through TxSmartBuy contract 748-W1 for a total cost of \$68,710.50 for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2018 - 185

RESOLUTION APPROVING THE PURCHASE AND DELIVERY OF FLEXIBLE BASE

CALICHE FOR THE TRANSPORTATION DIVISION FROM CSA MATERIALS, INC., THROUGH TXSMARTBUY AT A TOTAL COST OF \$68,710.50

12. Approved a resolution approving the purchase of five hundred fifty (550) Tons of Gypsum for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 186

RESOLUTION APPROVING THE PURCHASE OF FIVE HUNDRED FIFTY (550) TONS OF GYPSUM FROM BWI COMPANIES, INC., FOR THE SPRABERRY FARM AND PLANT FARM AT A TOTAL COST OF \$144,210.00

13. Approved a resolution awarding a contract for the purchase and installation of a Modular Restroom Facility at Dennis the Menace Park from Restroom Facilities Limited through Buyboard contract 512-16 for a total cost of \$152,246.00 for the Parks Division. (PURCHASING)

RESOLUTION NO. 2018 - 187

RESOLUTION AUTHORIZING A CONTRACT FOR THE PURCHASE AND INSTALLATION OF A MODULAR RESTROOM FACILITY AT DENNIS THE MENACE PARK FROM RESTROOM FACILITIES LTD THROUGH BUYBOARD AT A TOTAL COST OF \$152,246.00

15. Approved a resolution awarding the project described as Lavatory Disposal Station and Concrete Pavement (900204) at Midland International Air & Space Port to Boler Equipment Service, Inc. of Midland, Texas, and appropriating the necessary funds. (AIRPORTS)

RESOLUTION NO. 2018 - 189

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH BOLER EQUIPMENT SERVICES, INC., IN AN AMOUNT NOT TO EXCEED \$189,300.00 FOR THE LAVATORY DISPOSAL STATION AND CONCRETE PAVEMENT PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS FOR SAID PROJECT

16. Approved a resolution authorizing the Midland Chamber of Commerce to hold the annual Star Spangled Salute at Hogan Park and where alcohol can be sold and consumed and authorizing the City Manager or his designee to notify the Texas Alcoholic Beverage Commission of the permission granted. (COMMUNITY SERVICES)

RESOLUTION NO. 2018 - 190

RESOLUTION AUTHORIZING THE MIDLAND CHAMBER OF COMMERCE TO HOLD THE ANNUAL STAR SPANGLED SALUTE AT HOGAN PARK ON JULY 4, 2018; AND AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT SAID EVENT

18. Approved a resolution accepting a Drainage Easement from Kenneth V. Huseman Family Partnership, L.P., located in Section 12, Block 40, T-2-S, T&P RR. Co. Survey, Midland County, Texas, for the purpose of conveying storm water runoff associated with an office/storage development, authorizing the execution of said Drainage Easement; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 192

RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN APPROXIMATE 0.68-ACRE DRAINAGE EASEMENT LOCATED IN SECTION 12, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

19. Approved a resolution authorizing the City Council to create a Capital Improvements Advisory Committee and establishing duties, qualifications, terms of office, methods for filling vacancies, and related organizational matters. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 193

RESOLUTION CREATING A CAPITAL IMPROVEMENTS ADVISORY COMMITTEE AND ESTABLISHING DUTIES, QUALIFICATIONS, TERMS OF OFFICE, METHODS FOR FILLING VACANCIES, AND RELATED ORGANIZATIONAL MATTERS

20. Approved a resolution granting two guy line easements, being a 0.015-acre easement and a 0.017-acre easement, located in Section 44, Block 38, Township 1 South, T&P RR Co. Survey, Midland County, Texas, located approximately 1,300 feet northwest of the intersection of SCR 1150 and I-20, for the purpose of allowing Oncor Electric Delivery Company LLC to construct and maintain two electric pole guy lines; authorizing the execution of said easement; and ordering recordation by the City Secretary (City of Midland, Midland County). (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 194

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, AN INSTRUMENT GRANTING A UTILITY EASEMENT AND RIGHT-OF-WAY LOCATED IN AN APPROXIMATE 0.015-ACRE TRACT OF LAND AND AN APPROXIMATE 0.017-ACRE TRACT OF LAND OUT OF SECTION 44, BLOCK 38, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, TO ONCOR ELECTRIC DELIVERY COMPANY LLC

5. Approved a resolution awarding an agreement for professional architectural and engineering services for the construction of a new animal shelter and demolition of the existing animal shelter for the Animal Services Division. (PURCHASING)

RESOLUTION NO. 2018 - 179

RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR THE CONSTRUCTION OF A NEW ANIMAL SHELTER TO QUORUM ARCHITECTS, INC., IN THE AMOUNT OF \$476,200.00; AND APPROPRIATING FUNDS THEREFOR

Sparks problem with sticker shock. \$476,000 just to design? Leah LEwis, yes. Sparks what is expectation of cost of animal shelter. Leah number is around \$5m that number not discussed with architects. Based on square footage estimate is 10% of design construction. Sparks what is special about it seems like a larger number. Robnett. Believe it's in resolution. Asked staff to place herself and Hotchkiss and city management to work through agreement before signed. Same question then, to fully understand where came up with number. Love items are itemized \$129,000 worth of construction documents. Leah representative from quorum is present. Robert Patrick representative of other construction documents. will look at individually to work on. Sparks what is expected square footage. Leah 10-14,000 sq ft. determined as move through needs assessment. animal services has evolved used to control strictly

housing. now naimla services and adoption rescue center to get animals placed in homes and try to offer responsible pet owner classes and want to increase services to public and be more of a rescue service. Sparks just finished building 13,000 sq ft for half that and completed within last year. Found places to cut costs and having tough time understanding how animal shelter will cost twice as month. Leah specialized build dpecial drainage, plumbing, floors and hvac system. Morales other discussion is medical component working with TXTech not just building for midland but permian basin texas metro. Sparks can county get involved. robnet have and they have itnerest. morales oil companies interested in helping. sparks not against animals jsu tin sticker shock. morales ongoing for at least a year. parsley and sheffield donated found bad material don't want to put bandaid on bad issues. vet from tech came in opportunity to create a west texas service. Robnett \$476,200 not to exceed possibility to reduce number. David Duman coqurum arch ft worth tx. arch firm that specializes in animal services. been working on for 15 years over 40 animal shelter projects thoroughout tx. why does it cost so much very few other building that will cost more persquare foot reason being is the commitment munic make for long term durable funciton building with flexibility built in. Have worked with develoeprs to do animal care clinic 15 years muni 30-50 year building. with animal shelter many harsh chemicals, a lot of plumbing, tend ot go with stainless steel equipment and kennels, special hvac system to keep air independent no chance of cross contamination. plumbing system washdown expensive special trench drains slopes of floor and general epoxy floor system because once put kennels down is come back 10 years later and redo floor. invest where must funcional unfort add up costs a lot of money intended to lasat 30-50 eyars and provide flexibility. Surgery clinics to assit in spay neutering, Make decision to move forward in frugal but make sure long lasting. Sparks if approve wha tis timeframe preliminary drawings? Duman predesign seciton intent go through programming exercise needs assessment and conceptual need 6-8 week. prel sketches and costs assoc with size needs and pot partners for facility. Then start schematic design and prel drawings and ifnal drawings 3-4 months . Total design ballpark 6 month construcion 10-12 months. Love his orig question is about cost of design. Anything do to save money on design. Duman some things generally as go through negot with munic across texas some can do themselves and pull form their scope of work.

Council Member Robnett moved to adopt Resolution No. 2018 - 179; seconded by Council Member Love.

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

14. Approved a resolution approving the purchase of equipment to outfit twenty-two (22) police package vehicles from Cap Fleet Upfitters through Buyboard contract 524-17 for a total cost of \$331,193.17 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 188

RESOLUTION APPROVING THE PURCHASE AND INSTALLATION OF EQUIPMENT TO OUTFIT TWENTY-TWO (22) POLICE-PACKAGE VEHICLES FOR THE GARAGE DIVISION FROM CAP FLEET UPFITTERS, LLC, THROUGH BUYBOARD AT A TOTAL COST OF \$331,193.17

Sparks not against questions on timing. April 10 approved purchasing vehicles. now coming back and purchasing outfit 22 police pkgs lights sirens does not include

communication or computer equipment will come back again. Fred already been purchased under \$50,000. Sparks when decide to buy police vehicle why not on same agenda why wait until have vehicle to get approval for pkg. Fred debating whether to go with Tahoe or other and other one is separate two to get local folks a chance to bid. That's main reason. Go back after council approves and get with police dept with how updating and then go to Council. Sparks when got the proposal on agenda to buy police vehicles you had already decided what

Robbitt upfitting separately that would exclude local vendors. Sparks no problem being separate just seems like more transparent on what spend on each vehicle if on same agenda.

Council Member Love moved to adopt Resolution No. 2018 - 188; seconded by Council Member Hotchkiss.

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

17. Approved a resolution accepting funds from the 2018 Texas "J" Regional Advisory Council Grant. (FIRE)

RESOLUTION NO. 2018 - 191

RESOLUTION ACCEPTING A GRANT AWARD FROM THE TEXAS "J" REGIONAL ADVISORY COUNCIL IN THE AMOUNT OF \$14,774.00, FOR FUNDS TO BE USED BY THE MIDLAND FIRE DEPARTMENT FOR TRAINING, EQUIPMENT, AND SUPPLIES

Hotchkiss so nice that money not spending but money given to us through great action. Blumenauer money based on trauma runs made report to regional airport and get passthrough money back to use in dept for training. Hotchkiss thank for training all do.

Council Member Love moved to adopt Resolution No. 2018 - 191; seconded by Council Member Robnett.

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

SECOND READINGS

21. Consider an ordinance on second reading on a request by Bobby Cox dba Rosa's Café Tortilla Factory #14 for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption in a restaurant on Lot 13, Block 41, Belmont Addition, Section 24, City and County of Midland, Texas, generally located on the southeast corner of the intersection of South Rankin Highway and West Stokes Avenue. (DEVELOPMENT SERVICES) (First reading held May 8, 2018)

ORDINANCE NO. 9760

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 13, BLOCK 41, BELMONT ADDITION, SECTION 24, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH RANKIN HIGHWAY

AND WEST STOKES AVENUE), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9760.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9760 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, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

22. Consider an ordinance on second reading on a request by Oishii Sushi & Habachi, for a Specific Use Permit with Term, for the sale of all alcohol beverages for on-premises consumption in a restaurant, on Lot 4A, Block 1, North Park Addition, Section 5, City and Council of Midland, Texas, generally located at the northeast corner of North Midkiff Road and West Loop 250 North. (DEVELOPMENT SERVICES) (First reading held May 8, 2018)

ORDINANCE NO. 9761

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4,189-SQUARE FOOT PORTION OF LOT 4A, BLOCK 1, NORTH PARK ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED LR-2, 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 Misty Cryer read the caption of Ordinance No. 9761.

Council Member Love moved to approve the second and final reading of Ordinance No. 9761 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, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

23. Consider an ordinance on second reading on a request by Mesquite Terrace

Apartments 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 1, Block 161, Lot 2A, Block 165, Wilshire Park Addition, Section 9, City and County of Midland, Texas, generally located at the southeast corner of South Loop 250 West and Leisure Drive. (DEVELOPMENT SERVICES) (First reading held May 8, 2018)

ORDINANCE NO. 9762

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 161, AND LOT 2A, BLOCK 165, WILSHIRE PARK ADDITION, SECTION 9, 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 AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH LOOP 250 WEST AND LEISURE DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9762.

Council Member Love moved to approve the second and final reading of Ordinance No. 9762 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, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

24. Consider an ordinance on second reading on a request by Calvin Wood, for a zone change from a PD, Planned District for a Shopping Center to LR-2, Local Retail District on Lot 18E, Block 14, Briarwood Addition, Section 20, City and County of Midland, Texas, generally located at the northwest corner of Briarwood Avenue and Northcrest Drive. (DEVELOPMENT SERVICES) (First reading held May 8, 2018)

ORDINANCE NO. 9763

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 18E, BLOCK 14, BRIARWOOD ADDITION, SECTION 20, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF BRIARWOOD AVENUE AND NORTHCREST DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9763.

Council Member Love moved to approve the second and final reading of Ordinance No. 9763 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, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

25. Consider an ordinance on second reading on a request by Mario's Spanish Inn 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 93, Permian Estates, Section 3, City and County of Midland, Texas, generally located on the west side of Thomason Drive, approximately 320-feet south of Anetta Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9764

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 93, PERMIAN ESTATES, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF THOMASON DRIVE, APPROXIMATELY 320 FEET SOUTH OF ANETTA DRIVE), 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 Misty Cryer read the caption of Ordinance No. 9764.

Council Member Love moved to approve the second and final reading of Ordinance No. 9764 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

26. Consider an ordinance on second reading for a request by Kim Rivera for a Zone Change from PD, Planned District for Mixed Use Development to LR-2, Local Retail District on Lot 2, Block 12, Kelview Heights, City and County of Midland, Texas, generally located on the west side of North Big Spring Street, approximately 100-feet south of West Pine Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9765

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2, BLOCK 12, KELVIEW HEIGHTS, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE AND SHOPPING CENTER AS A TRANSITION DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 100 FEET SOUTH OF WEST PINE AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9765.

Council Member Love moved to approve the second and final reading of Ordinance No. 9765 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, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

27. Consider an ordinance on second reading on a request by Ed Ostrom for a Zone Change from a PD, Planned District for a Shopping Center to an Amended Planned District for a Shopping Center, on Lot 6A, Block 2, Westridge Park Addition, Section 24, City and County of Midland, Texas, generally located on the east side of Westridge Boulevard, approximately 445-feet south of Deauville Boulevard. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9766

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 6A, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 24, 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 WESTRIDGE BOULEVARD, APPROXIMATELY 445 FEET NORTH OF DEAUVILLE BOULEVARD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9766.

Council Member Love moved to approve the second and final reading of Ordinance No. 9766 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

28. Consider an ordinance on second reading on a request by L.C. Polk Jr., for a Specific Use Permit with Term for the sale of all alcoholic beverages for on premise consumption, in a bar and lounge, on Lot 1 and 2, Block 24, Moody Addition, City and County of Midland, Texas, generally located on the southwest corner of East Illinois and North Lee Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9767

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS 1 AND 2, BLOCK 24, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF EAST ILLINOIS AVENUE AND NORTH LEE STREET), WHICH IS PRESENTLY ZONED LR-2, 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 BAR AND LOUNGE FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9767.

Council Member Love moved to approve the second and final reading of Ordinance No. 9767 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

PUBLIC HEARINGS

29. Hold a public hearing and consider an ordinance on request by Landgraf, Crutcher & Associates for a Zone Change from PD, Planned District for a Transition District; O-1, Office District; and O-2, Office District, to C-1, Central Area District, on the east half of Block 32, the south 75 feet of the southwest quarter of Block 32, Block 36, and the east half of Block 49, Homestead Addition; Lot 1, Block 32, Homestead Addition, Section 5; Lot 1, Block 37; Homestead Addition, Section 11; all out of the City and County of Midland, Texas, generally located southwest of the intersection of North Pecos Street and West Louisiana Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9768

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING THE EAST HALF OF BLOCK 32, THE SOUTH 75 FEET OF THE SOUTHWEST QUARTER OF BLOCK 32, BLOCK 36, AND THE EAST HALF OF BLOCK 49, HOMESTEAD ADDITION, LOT 1, BLOCK 32, HOMESTEAD ADDITION, SECTION 5, AND LOT 1, BLOCK 37, HOMESTEAD ADDITION, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT, IN PART, O-1, OFFICE DISTRICT, IN PART, AND O-2, OFFICE DISTRICT, IN PART, TO BE USED AS A C-1, CENTRAL AREA DISTRICT (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH PECOS STREET AND WEST LOUISIANA AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9768.

Planning Division Manager Jeremey McNeil gave a brief overview of the item noting zone change to C-1 to develop office building and parking garage. consistent with regulations and compatible with uses and developments of area. reviewed by pert city depts rec no loj. in compl with future land use plan. Only one loj staff rec approval.

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

John Landgraff Odess cleaning up zoning planning district consolidating all zoning for concho to continuedevelopment. Morales issues with streets and alleys on next case don't think objection to zoning area is on c-1 most of it.

Doug Page 611 W Estes about 3 blocks north his only comment is sneaking less restrictive zoning. Office districts are limited building by setbacks front and side yard and max ht is 7 storye in CE in C-1 no height that is his quesiton what is scope object to excessive height. know COG has 10 story building now and security bank at la and big springa bout 10 story if stayed in that range not objectionable to him.

Landgraph initial phase looking at is another office building and parking garage in scale with what have on existing. Love this project will be 10 storyes.

Scott Kdiwell 3105 Humble, project will not exceed 10 storys. currently have 10 story and 6 story. Plan for property will not exceed it will bee less than 10 stories. Proposed location will be shared on map.

Love building no where close to anything residential. Kidwell no. enarest residence on A Street or north of Louisiana.

Cindy Klatt, 408 N Pecos, across street on pecos her company small company one story building don't like giant buildings going up around. The one south is beautiful if build would like to stay within parameters within loot lines don't want to go out intop streets. If she were to built a building could you build into street. The streets belong to the public. She afraid of people coming in and crashing into buildings.

Georgia Temple, 501 W Scharbauer on non profit board owns building 710 N Ohio, their design for office building ends up in Tennessee street. They are also planing parking garage 3.5 levels and bought all of this so church is closing Sangelo for parking. Theeir plan has building into Tennessee and second story walkway across. That comes from them Her question they want to be a good neighbor they also want concho to be a good neighbor. amazed make plan and have it out into a street assuming they can close the block where does assumption come from. streets belong to Midland Texas citizens. Sparks they have every intention of buying the row that is on that street. what hardship does it bring . Georgia she lives on scarbor she comes doewnd epcos already blocked pecos right to tensses and use alley to go to her parking lot. closest location to this is nearly across the street for residential. pele coming downtown use tennessee. They use tennessee you will be directing more traffic into the school zone. Mayor get back to zonign and then go to street.

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

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9768 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Love satisfied with height should't be probme form residential.

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

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

30. Hold a public hearing and consider an ordinance on a request by COG Realty LLC for a vacation of the 0.138-acres portion of the alley right-of-way, located in Block 36, Homestead Addition, City and County of Midland, Texas, generally located approximately 140 feet east of San Angelo Street, between West Michigan Avenue and West Tennessee Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9769

AN ORDINANCE VACATING AND ABANDONING A 0.138-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 36, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 140 FEET EAST OF SAN ANGELO STREET, BETWEEN WEST MICHIGAN AVENUE AND WEST TENNESSEE AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$7,514.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9769.

Planning Division Manager Jeremy McNeil gave a brief overview of the item noting applicant requesting abandonment of alley row and will maintain easement for all utility companies. circulated to all depts and utility companies. alley contains 8 water and 6 sewer. utility co say current facilities within row such as at 7t atmos, oncor and suddenlink. for this particular request no loj. staff rec approval subject to cond a-c. Morales is that old infrastructure where relocated to? JErremey doesn't know.

Mayor Morales opened the public hearing at 10:51 a.m.

John Landgraph 521 Noerth Tx been in multiple discussions about closing streets and alley and all utility companies. they are in master planning and working on whole big area there. Sparks where relocated. John water line rerouted around easement in street row as part of improvements and utility cos have decided Carizzo makes sense to use so they can serve office tower and parking. Morales similar to Midland Center. Robert much smaller scale old cast iron, John all new materials to move lines. Talking about discussion of communications balt so all utility communication come to one location to be disbursed for surrounding area. Reason alley gets abandoned is entire block becomes parking garage worked with traffic engineering and next item closing san angeelo and taking church parking and building parking lot for church in area where san angeelo is. its already a dead end street.

Doug Page 611 W Estes, his understanding is public owns alley and not city. don't object like the other ladies may. His problem with sale by city to COG is they are leaving money on table. MCAD contracted to appraise property and sq foot value is \$2 city only asking \$1.25 ask \$12,000 instead of \$7,500. Love previously have been doing \$2 why this \$1.25. Robert always use MCAD council has ability to change it. Love why is this \$1.25. MCAD give number of \$1.25 Robnett thought different might be alley row rather than street row. Sparks down not sure how mcad can do that his tax evaluation went through roof. Robert staff doesn't negotiate just use published rate. Don't believe applicant would be concerned if \$2/foot.

There being no one else wishing to speak, the public hearing was closed at 10:58 a.m.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9769 in accordance with the Charter of the City of Midland with amendment of \$2 per sq foot ; seconded by Council Member Robnett.

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

31. Hold a public hearing and consider an ordinance on a request by COG Realty LLC/North A Church of Christ for a Vacation of the 0.551-acres portion of the San Angelo Street right-of-way, located adjacent to Block 35 and Block 36, Homestead Addition, City and County of Midland, Texas, generally located approximately 100 feet east of North A Street, between West Michigan Avenue and West Tennessee Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9770

AN ORDINANCE VACATING AND ABANDONING A 0.551-ACRE PORTION OF THE SAN ANGELO STREET RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 35 AND 36, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTH OF THE INTERSECTION OF SAN ANGELO STREET AND WEST MICHIGAN AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$30,000.00; RETAINING A UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9770.

Planning Development Manager Jeremy McNeil gave a brief overview of the item noting applicant requesting to vacate 5.51 portion of San angelo row to allow parking for church and additional building. applicant require to maintain easement for all utility. circ and rev by all dept and utility rec no obj. staff received no loj and rec approval.

Mayor Morales opened the public hearing at 11:00 a.m.

Doug Page 611 W Estes, same reasons as previous. CM appraised property 24,000 sq ft at \$2 public rec asking \$48,000 for San angelo hwy.

There being no one else wishing to speak, the public hearing was closed at 11:01 a.m.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9770 in accordance with the Charter of the City of Midland with amendment of \$2 per square foot value; seconded by Council Member Robnett.

Dufford could appraise before second vote.

Mark Wellen 1102 W Texas. clarification for future conversation, not about money will pay whatever ask to pay. clarify alley was buying surface and subsurface. carizzo city retain easement value isn ot the same it's not just about this deal. usually value less . \$ not issue.

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

Dufford mcad may not be arbitrary as think.

32. Hold a public hearing and consider an ordinance on a request by Landgraf, Crutcher & Associates for a vacation of the 0.26-acre portion of West Tennessee Avenue located between (the east half of) Blocks 36 and 49, Homestead Addition, City and County of Midland, Texas, generally located 160 feet east of San Angelo Street, between the north-south alley right-of-way and South Carrizo Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9771

AN ORDINANCE VACATING AND ABANDONING A 0.26-ACRE PORTION OF WEST TENNESSEE AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 36 AND 49, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED WEST OF THE INTERSECTION OF WEST TENNESSEE AVENUE AND SOUTH CARRIZO STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$14,000.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9771.

Planning Division Manager Jeremy McNeil gave a brief overview of the item noting requesting to vacate of W. tennessee row to concho master plan. similar to other two vacaiton. applicant require maintain easement. circ and rev by all dept and frnch util no objection. received 2 loj one in packet and one handed to use. staff rec approvla subject to conditions a-c. Sparks there is still utility easement.

Love asked about arterial roads traffic flow and anticipate this closure will be. He does go down Carizzo and down ohio to right and a to avoid traffic. Miek Pacelli in general arterial streets large a and big spring and carry regional traffic larger volumes higher speeds in and out of downtown. colelctors la and mich lwoer speed more access but sitll moving large volumes local carizzo, pecos primary acces to properties when developer and arch met receptive to idea of closing local streets where improves access to property or improves devleopment so local traffic can distribut. main michi illinois la and tx. there are people who use thsoe streets to bypass they are there for acess. when developer owns many block and can make better developer believe it doesn't reflect overall traffic. overall master plan predates him and majority of traffic ocming in area is going to be their taffic in long ron over 90%. they want it to work for their own traffic. master plan haven't seen building plans and how termination of street but talked ot engineer ensuring hammerhead or turnaround for not only delivery trucks but also fire vehicles. Love there will be some form of turnaorund provided.

Mayor MOrales opened the public hearing at 11:10 a.m.

Georgia Temple, she was told she was not imortant use tennessee every day. Love he did not mean it that way. Georgia residential acorss a use Tennessee. This is school zone right there sso if coming down in this are you can use tennessee to avoid school zone. Sat in parking lot and watch kids leave school for lunch and two lots will be filled in and kids come pouring out of school acorss parking lot and across empty fields. when street is blocked there are all knids of cars pakred acorss tn this is done deal and suspect since architect made design that carried building into TN assume can close prob arguing for naught.. You close PEcos at Illinois and have second llvel off, if design

building why can't leave tennessee open and second floor parkway and once it rest of built can walk whole are without ever walking on street why have to close plus not enough money for it. You're letting loose all blocks regardless of what anybody else wants to do. and at some point will close block of carizzo. her point is stop it she is tired of it. she goes to methodist church and inconvenience when close block and always use block to get around. quit inconveniencing people who live here and support community with tax money. Morales public private partnership investing in grounds taking down old buildings and vacant lots sitting empty asking do you not desire to see improvements and new technology and new opportunities is that not good for Midland. Inconvenient for self but think about masses. Love to them they have a good reason why to close it just because you don't agree with it doesn't mean it's not good reason. Robnett traffic comes with or without street level. Love closing will make school zone safe designed for them crossing A. Sparks the alternative is go down Michigan which is a collector but no light until Big Spring. Georgia assumption was made they could do this.

Cindy Klatt, 408 N Pecos, personally appreciate Concho bringing people in and making city better. concern is closing street. husband retired fireman deadset against closing streets anywhere in midland they need to get around. would like to see them think about overhead walkway rather than closing street.

Doug Page, 611 W Estes, totally against using Tennessee talk about various levels of streets and how designed to carry traffic. designed in 1940s or 1950s population 30,000. now 230,000 maybe look at big spring and awesome two lanes for 5 or 6 blocks and signal system does not work, so now talking about closing street so going to put more traffic on streets already underdesigned. cog has money they can afford to pay and if done deal need to get \$2 square foot. go for \$22,000 instead of \$11,000. Love don't want to confuse the design vs concept of arterials and collectors. they work independently from those specific streets. When have traffic problems why would you close streets doesn't make sense. Love that little section will not make traffic explode. Dufford his son will be upset too.

There being no one else wishing to speak, the public hearing was closed at 11:24 a.m.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9771 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Love fire dept no concern and he is excited about bldg because taxes generated will help keep taxes lower.

Sparks when say still have utility row what does that mean for building process? Jose Ortiz utility easements needed weather franchise water sewer rather not have structure over top of line lot of aging infrastructure easy to deal with open area. Sparks other closure moving utilities this one not keeping easement. Jose other thing is multimodal staff did bring up still like to see pedestrian access through downtown region and vehicle on roads need to be but increase pedestrians in area, concho and employees like to see ability to have people go back and forth. For pedestrian and bicyclist want to ensure have campus feel and easements needed to have public use of area. Sparks still plan for access on TN for pedestrians and for public use not vehicle use.

Love recently appropriated money to put with MPO to do bike study downtown to encourage bike lane downtown. Question about pecos is blocked off and Carizzo goes down to TX or wall. Hotchkiss what is cost we have for property to be consistent. Robert \$1.25. Hotchkiss change motion to include.

Dufford can change but retain access for public.

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

Morales guests in audience what going on with professional young students. Troop 232 for communications merit badge for citizenship and community badge. Learned about urban planning and politics at best. Dufford troop 232 where met first baptist church classifications star scouts. working toward eagle. one of these most decorated troops. Hotchkiss grandmother 2 eagle scouts. Dufford one thing is get eagle scout before get drivers license less distractions. MR. Walker.

33. Hold a public hearing and consider an ordinance on a request by Kevin Patel for a zone change from a LR-2, Local Retail District to O-2, Office District, on Lot 7, Block 2, Amaron Addition, City and County of Midland, Texas, generally located on the east side of Camp Drive approximately 250 feet north of the intersection of Camp Drive and Crump Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9772

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 7, BLOCK 2, AMARON ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF CAMP DRIVE, APPROXIMATELY 250 FEET NORTH OF CRUMP STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9772.

Planning Division Manager Jeremy McNeil gave a brief overview of the item noting request for zone change to o2 office district for 4 story hotel. adhere to all site plan standards. circ and reviewed by all dpets rec no objection. no loj rec approval sub cond a.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9772 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

34. Hold a public hearing and consider an ordinance on a request by Clark Inc. for a zone change from 1F-2, One-Family Dwelling District, to O-1, Office District on Lots 1 and 2, Block 64, Permian Estates, City and County of Midland, Texas, generally located at the southeast corner of the intersection of Thomason Drive and South Midland Drive. (Planning Admin)

ORDINANCE NO. 9773

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1 AND 2, BLOCK 64, PERMIAN ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF THOMASON DRIVE AND SOUTH MIDLAND DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9773.

Planning Division Manager Jeremy McNeil gave a brief overview of the item noting zone change to O-1 office to allow office busienss on old firehouse station currently vacant. circ and rev by pert city dept no obj. staff rec one loj and rec approvla sub to cond a. Sparks change to O-1. yes. just office. Sparks height restiction 2 storeis. Love what is going there. office. Love center withmultiple, jeremy one offic.e

Mayor Morales opened the public hearing at 11:35 a.m.

Andrew Mellen, maverick engineer clakr oil and gas not change anythign on outside all inside driveways eveerythign same. Morales preserve facde. he likes facade wish pole ad utilize garage appropriately not seen plans.

There being no one else wishing to speak, the public hearing was closed at 11:36 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9773 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, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

35. Hold a public hearing and consider a resolution on a request by San Miguel Arcangel Catholic Church for a Temporary Land Use Permit for a church annual family fair on Lot 1A, Block 19, Midland Heights, Section 4, City and County of Midland, Texas. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 195

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH FAMILY FAIR ON LOT 1A, BLOCK 19, MIDLAND HEIGHTS ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST DAKOTA AVENUE AND CAMP STREET); AND

MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Planning Division Manager Jeremy McNeil gave a brief overview of the item noting for San Miguel Catholic church sat jul 14 12-12 ssunday jul 15 form 12-10. event live music and food 10 restrooms onsite and min of 6 peace officers provided. req circ and rev by pert city dept no obj staff rec approval subj to con a-i.

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

Council Member Love moved to adopt Resolution No. 2018 - 195; seconded by Council Member Hotchkiss.

Love everybody in room tae family to event.

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

36. Hold a public hearing and consider an ordinance on a request by Kali A. Davis, for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant on Lot 1B, Block 2, Corporate Plaza Addition, Section 18, City and County of Midland, Texas, generally located north of Spring Park Drive, approximately 363 feet east of North Big Spring Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9774

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 6,052-SQUARE FOOT PORTION OF LOT 1B, BLOCK 2, CORPORATE PLAZA ADDITION, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF SPRING PARK DRIVE, APPROXIMATELY 363 FEET EAST OF NORTH BIG SPRING STREET), WHICH IS PRESENTLY ZONED LR-2, 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 Misty Cryer read the caption of Ordinance No. 9774.

Planning Division Manager Jeremy McNeil gave a brief overview of the item noting this request sup for alco beverage in Alleys outdoor shooting range. cafe mon sat 11-6:30 p.m. total sq footage 6052 sq ft but 3520 ded to alco svc area. applicant requestng horus mon-sat 11-12. no schol.s chruchs within 300 feet. circ and rev by pert city dept rec no obj. no loj received staff rec approvla subj cond a-g.

Mayor Morales opened the public hearing at 11:40 a.m.

David Smith, 400 W Illinois, lawer rep cafe really reason sent lawyer help design

security set up and was bartender previously. Put a cafe servesj alcohol iun bldg with shooting range 3000 sq ft of 60,000 sq ft facility. Not a bar pulic part of cafe anyone can walk uup to when walk past door ropes and security car private facility members only facility rented for xmas party and safety meetings. tourist event people come in and want to do safety meeting have. actual safety is set up by guy who has done this in multiple locations and top golf type concept. adopted ll isreales security procedures. limited access know ppeople who are coming. combination of electronic and human safety features. if walk inkey card have to check weapon can'at get back until next day. Also lock out tag out facility if walk in and get a drnk you have to give membership card or dl if guest to get into range. computer systems linked once been in room you're out for 24 hours. second thing is black light stamp on hand and double human check. also every single employee gets tabc trining is how to identify someone thats had a dirnk and people at gun range are getting same training. One drink one person very careful procedures. final thing expensive to join club if you violate rules forfeit membership. Gradual process opened retail, gun range, cafe everything works done wet run in rooms where had events for different oil compnaies and thye used caterer to supply alchol and it worked perfectly. Morales if restaurant food sales decent do you anticipate 50/50 mix. Lawer really for personal parties or events. if alcohol surpasses food sales. you cannot take alcohol out of area. Alcohol only in one locked off room. John authorizes ale of alchol within smaller area. General public not served alcohol.

There being no one else wishing to speak, the public hearing was closed at 11: 48 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9774 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, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

Mayor monitor for first 6 months.

37. Hold a public hearing and consider a request by Michael Fleck for a zone change from PD, Planned District for Shopping Center, to an PD, Amended Planned District for a Shopping Center on Lot 1, Block 28, Plantation Hills, Section 14, City and County of Midland, Texas, generally located on the south side of Faulkner Drive, approximately 170 feet west of North Garfield. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9775

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 28, PLANTATION HILLS, SECTION 14, 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 SOUTH SIDE OF FAULKNER DRIVE, APPROXIMATELY 170 FEET WEST OF NORTH GARFIELD STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9775.

Planning Division Manager Jeremy McNeill gave a brief overview of the item noting applicant is requesting amended pd for sc for addition to occasions fine jewelry on loop. proposing 1238 sq ft addition to north side of building. pour new concrete nw of bldg to address automobile traffic. rev by all dpets no obj. no loj received. staff rec approval subj to cond a-c.

Mayor Morales opened the public hearing at 11:50 a.m.

Michael Fleck 2308 W Loop with occasions, inventory and accounting dept needs more room. one small card table for mail in mail out. need more room.

There being no one else wishing to speak, the public hearing was closed at 11:51 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9775 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, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

38. Hold a public hearing and consider a resolution on a request by Lisa J. Grissom for approval of a Temporary Land Use Permit for a Music Festival on a 0.70-acre portion of South Loraine Street right-of-way adjacent to Blocks 65, 66, 85, and 86; and a 0.51-acre portion of West Missouri Avenue right-of-way adjacent to Blocks 65, 66, 85, and 86; all out of Original Town Addition; City and County of Midland, Texas, generally located at the intersection of South Loraine Street and West Missouri Avenue. (Planning Admin)

RESOLUTION NO. 2018 - 196

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A MUSIC FESTIVAL ON A 0.70-ACRE PORTION OF SOUTH LORAINE STREET RIGHT-OF-WAY ADJACENT TO BLOCKS 65, 66, 85, AND 86, AND A 0.51-ACRE PORTION OF WEST MISSOURI AVENUE RIGHT-OF-WAY ADJACENT TO BLOCKS 65, 66, 85, AND 86, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE INTERSECTION OF SOUTH LORAINE STREET AND WEST MISSOURI AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Planning Division Manager Jeremy McNeil gave a brief overview of the item noting tlu for tall city blues festival fri jul 6 7-12 and sat jul 7 from 7-12. event consist of 3 venues vip area, silent art auction, educational workshop, vip valet parking prov gen adm parking provided. sale of alco bev both days. 20 restrooms provided and 8 security officers on site. applicant requesting to close portion of s lorain and w mo for set up at 8 on jul 5 and reopen 12 mid jul 8. req rev by pert dept no obj. staff one loj staff comm with property owner not access garage. staff rec approval subj to cond a-k.

Mayor Morales opened the public hearing at 11:54 a.m.

Lissa irssom 2101 W Wall same format adopted last year./

There being no one else wishing to speak, the public hearing was closed at 11:54 a.m.

Council Member Love moved to adopt Resolution No. 2018 - 196; seconded by Council Member Robnett.

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

MISCELLANEOUS

39. Consider an ordinance amending the budget for the purpose of adding additional funds to six (6) line items in the Animal Services Division budget for a total of \$140,600.00. (COMMUNITY SERVICES)

ORDINANCE NO. 9776

AN ORDINANCE AMENDING THE OFFICIAL MUNICIPAL BUDGET FOR FISCAL YEAR 2017-2018 IN ORDER TO PROVIDE ADDITIONAL FUNDS TO THE ANIMAL SERVICES DIVISION; THE ADDITIONAL FUNDING PROVIDED WILL BE USED TO COVER INCREASED ANIMAL CARE COSTS

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9776.

Leah Lewis ongoing issue last couple of years. animal services budget is not meeting current needs. significant is medical supply and voucher. Love only comment that do better job of planning budget wise in respect to animal service hopefully now looking forward anticipate those and whatever don't use extra savings to tax payers. Robert ask to identify those areas she started identify those with slow downs and budget cuts required cut too deeply Leah doing great job. Mayor say with so much for County want to sit down and visit with them about new judge step up and take care of their part.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9776 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, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

PUBLIC COMMENT

40. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting. (Please limit comments to three minutes or less.)

There were no citizens present wishing to speak.

Colvin Domingo 307 Bristol, addressing Council Member advice to come and tell council about where city is wasting money he has several places. One is animals been menaced by mother pitbull and two puppies on big spring and also police dogs big animals allow to roam in city. spending will not solve problem. solution to solve problem is to reduce it. there are two genders male, female, if you make city male

place and females transfer to another city and cant increase populaiton.; Hope you use it and give somethign to him to give something to his church which is asking for donations. Suggest any ideas write down and submit to Council. Moeny spent on traffic problems, city of midland number one city produces train accidents. produce solutions talk to all of them and sitll problem continues because listen to people you employ but not to persons who provide solutions holding money in worng place where wasting money. . 3 mintues iup solution for grass land not going to be lanes on but also by atmos blocking cars going to odess but put barricde there to prevent poepl form driving gromm grassland in rightr hand lane. Mayor and Council invited him to speak after meeting.

EXECUTIVE SESSION

recess to executive session at 12:05 p.m.

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

a. Section 551.072, Deliberation Regarding Real Property

- a.1. Discuss the sale, exchange, lease, or value of real property described as approximately 2,642 acres, being all of Sections 33, 34 and 36, Block 38, T-1-S, T&P RR Co. Survey, Martin County, Texas, and portions of Sections 5 and 8, Block 38, T-1-S, T&P RR Co. Survey, Martin and Midland Counties, Texas.

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