

**MIDLAND CITY COUNCIL
MINUTES
June 11, 2019**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on June 11, 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 Robert Patrick, Assistant City Manager Morris Williams, Assistant to the City Manager Marcia Bentley-German, City Secretary Amy Turner, Police Chief Seth Herman, Fire Chief Chuck Blumenauer, Utilities Director Carl Craigo, 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 Jennifer Frescaz, Solid Waste Director Jeffery Ahrlett, Planning Division Manager Cristina Odenborg, Building Official Steve Thorpe, and Public Information Officer Erin Bailey.

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., June 11, 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 10:01 a.m.

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

PRESENTATIONS

Mayor presented proclamation.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Proclamation for "Emancipation Proclamation Celebration Days"

CONSENT AGENDA

4. Approved a motion approving the following minutes:

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

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

- a. Regular City Council meeting of May 28, 2019

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

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

- b. Special City Council meeting of June 4, 2019

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

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

5. Approved a resolution awarding a contract for the Microwave Remediation Project Phase Two (2) to Johnston Technical Services, Inc. dba JTS through Department of Information Resources (DIR) contract DIR-TSO-3965 for a cost of \$432,340.79 plus \$108,085.20 in contingencies for a total project cost of \$540,425.99 for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2019 - 169

RESOLUTION AWARDING A CONTRACT TO JOHNSON TECHNICAL SERVICES, INC., FOR PHASE TWO OF THE MICROWAVE REMEDIATION PROJECT THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$432,340.79; AND APPROVING \$108,085.20 FOR CONTINGENCIES

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

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

6. Approved a resolution approving the issuance of a request for proposals for Voluntary Long Term Disability/Short Term Disability, Basic Life Insurance, Accidental Death & Dismemberment and Voluntary Term Life and Employee Assistance Provider for the Administrative Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 170

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR VOLUNTARY LONGTERM DISABILITY AND SHORT TERM DISABILITY INSURANCE, BASIC LIFE INSURANCE, ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE, VOLUNTARY TERM LIFE INSURANCE, AND AN EMPLOYEE ASSISTANCE PROGRAM FOR THE ADMINISTRATIVE SERVICES DEPARTMENT

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

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

7. Approved a resolution approving the issuance of a request for proposals for Internet based Employee Benefits Enrollment for the Administrative Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 171

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR INTERNET-BASED EMPLOYEE BENEFITS ENROLLMENT SERVICES FOR THE ADMINISTRATIVE SERVICES DEPARTMENT

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

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

8. Approved a resolution approving the issuance of a request for proposals for outsourcing Bill Printing and Mailing Services for the Finance Department. (PURCHASING)

RESOLUTION NO. 2019 - 172
RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS
FOR BILL PRINTING AND MAILING SERVICES FOR THE FINANCE DEPARTMENT

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

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

9. Approved a resolution approving the issuance of a request for proposals for Collection Services for the Finance Department. (PURCHASING)

RESOLUTION NO. 2019 - 173
RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS
FOR COLLECTION SERVICES FOR THE FINANCE DEPARTMENT

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

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

10. Approved a resolution approving the issuance of a request for bids for Janitorial Services for City Hall, Police and Communications, Municipal Court, Health Department, Animal Services, Transportation, Municipal Garage Office and Shop, Parking Garage, Bank of America building and Vehicle Services for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 174
RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING
ADVERTISEMENT FOR BIDS FOR JANITORIAL SERVICES FOR CITY BUILDINGS

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

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

11. Approved a resolution approving Change Order Two (2) to the Fiscal Year 2018 Citywide Concrete Program contract for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2019 - 175
RESOLUTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER TO THE
CONTRACT WITH ONYX GENERAL CONTRACTORS, LLC REGARDING THE
FISCAL YEAR 2018 MIDLAND CITYWIDE CONCRETE PROGRAM; SAID CHANGE

ORDER TO PROVIDE FOR VEHICULAR AND PEDESTRIAN TRAFFIC IMPROVEMENTS ASSOCIATED WITH ROAD BOND PROJECTS AT OR NEAR TARLETON STREET BETWEEN GOLF COURSE ROAD AND WADLEY AVENUE; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$250,000.00

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

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

12. Approved a resolution authorizing the employment of the law firm of Brown & Hofmeister, L.L.P. to provide legal services to the City of Midland related to the adoption of impact fees. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2019 - 176

Resolution authorizing the employment of the law firm of Brown & Hofmeister, L.L.P. to provide legal services to the City of Midland related to the adoption of impact fees.

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

13. Approved a motion approving a proposed preliminary plat of Happy Cove Ranch Estates, being a plat of a 30.5 acre tract of land out of Section 14, Block 40, T-1-S T&P RR Co. Survey, Midland County, Texas, (generally located on the southwest corner of the intersection of North County Road 1246 and West County Road 41- Extraterritorial Jurisdiction). (DEVELOPMENT SERVICES)

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

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

14. Approved a resolution accepting a 2.24 acre and .209-acre Utility Easements from SBC L.P., located in Section 35, Block 40, T-1-S, T&P RR. Co. Survey, Midland County, Midland Texas, for Public Utilities. Easements are associated with the Stonehawk plat plan for the Grassland development, authorizing the execution of said Utility Easements; and ordering recordation by the City Secretary (City of Midland, Midland County). (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 177

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 2.240-ACRE UTILITY EASEMENT AND A 0.209-ACRE UTILITY EASEMENT OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

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

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

15. Approved a resolution accepting a 1.94 acre and a .86-acre Road and Utility Easements from Fairgrounds Partners, LLC., located in Section 36, Block 39, T-1-S, T&P RR. Co. Survey, Midland County, Midland Texas, for Public Utilities. Easements are associated with the proposed Fuse Industrial Park, authorizing the execution of said Road and Utility Easements; and ordering recordation by the City Secretary (City of Midland, Midland County). (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 178

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 1.94-ACRE ROAD AND UTILITY EASEMENT AND A 0.86-ACRE ROAD AND UTILITY EASEMENT OUT OF SECTION 36, BLOCK 39, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

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

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

16. Resolution authorizing Midland County, Texas to perform paving services on Midkiff Road, from a point approximately 720 feet south of the centerline of Interstate 20 to a point at the southern Boundary of the City of Midland, and on Cotton Flat Road, from a point approximately 747 feet south of the centerline of interstate 20 to a point at the southern boundary of the City of Midland, in accordance with the City-County Interlocal Cooperation Contract authorized by Resolution No. 2013-401; and authorizing payment therefor in an amount not to exceed \$488,673.97. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 179

RESOLUTION AUTHORIZING MIDLAND COUNTY, TEXAS TO PERFORM PAVING SERVICES ON MIDKIFF ROAD, FROM A POINT APPROXIMATELY 720 FEET SOUTH OF THE CENTERLINE OF INTERSTATE 20 TO A POINT AT THE SOUTHERN BOUNDARY OF THE CITY OF MIDLAND, AND ON COTTON FLAT ROAD, FROM A POINT APPROXIMATELY 747 FEET SOUTH OF THE CENTERLINE OF INTERSTATE 20 TO A POINT AT THE SOUTHERN BOUNDARY OF THE CITY OF MIDLAND, IN ACCORDANCE WITH THE CITY - COUNTY INTERLOCAL COOPERATION CONTRACT AUTHORIZED BY RESOLUTION NO. 2013-401; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$488,673.97

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

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

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

RESOLUTION NO. 2019 - 180

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

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

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

SECOND READINGS

18. Consider an ordinance on second reading on a request by VIA Real Estate, LLC, for a zone change from PD, Planned District for a Housing Development, to BP, I-20 Business Park District on a 1.316-acre portion of Lot 1, Block 2, Southwest Crossing, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Cholla Road and Antelope Trail. Council District 2). (DEVELOPMENT SERVICES) (First reading held May 28, 2019)

ORDINANCE NO. 9927

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.316-ACRE PORTION OF LOT 1, BLOCK 2, SOUTHWEST CROSSING, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS A BP, I-20 BUSINESS PARK DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF CHOLLA ROAD AND ANTELOPE TRAIL); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9927.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9927 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

19. Consider an ordinance on second reading on a request by Caiti Kincaid dba Strategic Restaurant Concepts, LLC, for a Zone Change from a PD, Planned District for a Shopping Center, to an Amended PD, Planned District for a Shopping Center on Lot 7, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas. (Generally located on the south side of W. Loop 250 North, approximately 220-feet west of N. Midkiff Road.

Council District 1). (DEVELOPMENT SERVICES) (First reading held May 28, 2019)

ORDINANCE NO. 9928

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 7, BLOCK 17, SKYLINE TERRACE, UNIT 7, 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 WEST LOOP 250 NORTH, APPROXIMATELY 220 FEET WEST OF NORTH MIDKIFF ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9928.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9928 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

20. Consider an ordinance on second reading on a request by Lori Law dba The Lost Cajun, for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on Lot 3G, Block 6, Scotsdale Addition, Section 19, City and County of Midland, Texas. (Generally located on the south side of W. Wadley Avenue, approximately 312-feet east of Mark Lane). (DEVELOPMENT SERVICES) (First reading held May 28, 2019)

ORDINANCE NO. 9929

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 3G, BLOCK 6, SCOTSDALE ADDITION, SECTION 19, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 312 FEET EAST OF MARK LANE), 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 SueAnn Reyes read the caption of Ordinance No. 9929.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9929 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.

21. Consider an ordinance on second reading on a request by Tony Frescaz dba Librado, for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on premises consumption in a restaurant, on northeast corner of the intersection of North Garfield and West Loop 250 North. (DEVELOPMENT SERVICES) (First reading held May 28, 2019)

ORDINANCE NO. 9930

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 6,549-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH GARFIELD STREET AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9930.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9930 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

22. Consider an ordinance on second reading on a request by Kent Distributors to vacate a 0.14-acre of alley Right-of-Way, located in Block 21, Belmont Addition, City and County of Midland, Texas. (Generally located on the south side of West Francis Avenue, approximately 135-feet east of Rankin Highway. Council District 2.) (DEVELOPMENT SERVICES) (First reading held May 28, 2019)

ORDINANCE NO. 9931

AN ORDINANCE VACATING AND ABANDONING A 0.14-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 21, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST FRANCIS AVENUE, APPROXIMATELY 135 FEET EAST OF RANKIN HIGHWAY); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$12,196.80; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9931.

Council Member Love moved to approve the second and final reading of Ordinance No. 9931 in accordance with the Charter of the City of Midland; seconded by Council

Member Lacy.

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

23. Consider an ordinance on second reading on a request by Francisco Gomez Castellanos for a Specific Use Permit with term, for the sale of all alcohol beverages, for on-premises consumption, in a bar, on a 3,600 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas. (DEVELOPMENT SERVICES) (First reading held May 28, 2019)

ORDINANCE NO. 9932

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,600-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH GARFIELD STREET AND WEST LOOP 250 NORTH), 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 BAR FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9932.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9932 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

24. Consider an ordinance on second reading on a request by Jun Yu for a Specific Use Permit, with Term, for the sale of beer and wine for on-premises consumption, in a restaurant, on a 3,068 square foot portion of Lot 18, Block 1, Providence Park Addition, Section 2, City and County of Midland, Texas. (Generally located on the west side of North Midkiff Road, approximately 200-feet north of West Wadley Avenue). (DEVELOPMENT SERVICES) (First reading held May 28, 2019)

ORDINANCE NO. 9933

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,068-SQUARE FOOT PORTION OF LOT 18, BLOCK 1, PROVIDENCE PARK ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 200 FEET NORTH OF WEST WADLEY AVENUE), 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 BEER AND WINE IN A RESTAURANT FOR ON-PREMISES

CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9933.

Council Member Trost moved to approve the second and final reading of Ordinance No. 9933 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.

25. Consider an ordinance on second reading on a request by Brady Helm for a Special Exception from the City of Midland Zoning Ordinance, Section 11-1-7 Area, Yard, Structure, Parking and Miscellaneous Lot and Use regulations concerning the construction standards of detached accessory structures on Lot 16, Block 1, 349 Ranch Estates, City and County of Midland, Texas. (Generally located on the west side of Shawnee, approximately 498 feet north of Tejas. Council District 1) (DEVELOPMENT SERVICES) (First reading held May 28, 2019)

ORDINANCE NO. 9934

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 16, BLOCK 1, 349 RANCH ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SHAWNEE, APPROXIMATELY 498 FEET NORTH OF TEJAS), BY PERMITTING A METAL SKIN EXTERIOR ON A DETACHED ACCESSORY STRUCTURE THAT EXCEEDS 12 FEET IN HEIGHT AND THAT EXCEEDS 400 SQUARE FEET IN AREA; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9934.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9934 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.

PUBLIC HEARINGS

26. Hold a public hearing and consider an ordinance on a request by Vineyard Reserve, LLC for a Special Exception from the City of Midland Zoning Ordinance, Section 11-1-7,- Area, yard, structure, parking, and miscellaneous lot and use regulations, concerning front yard setbacks on a 126.155-acre tract of land located in Section 13, Block 40, T-1-

S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located approximately 2,670-feet west of Holiday Hill Road and 300-feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9935

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 77.433-ACRE TRACT OF LAND AND A 48.722-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 2,670 FEET WEST OF HOLIDAY HILL ROAD AND 300 FEET NORTH OF MOCKINGBIRD LANE), BY PERMITTING A REDUCED FRONT YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9935.

Development Services Director Chuck Harrington gave a brief overview of the item noting extension of existing property to west will look like rest of dev minimum front yard setback for water conservation efforts and community feel. Staff reviewed, meets comp plan and rec approval subj cond a-c. No loj received. Love want to look like rest of their neighborhood. chuck adjacent to what developing with reduced front yard setbacks.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9935 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

27. Hold a public hearing and consider an ordinance on a request by SCI Texas Funeral Services, LLC. for a Zone Change from AE, Agriculture Estate District to LR-2, Local Retail District on Lot 1, Block 1, Resthaven Memorial Park, Section 2, City and County of Midland, Texas. (Generally located on the east side of North Big Spring Street, approximately 604-feet North of East Loop 250 North. Council District 1) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9936

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 1, RESTHAVEN MEMORIAL PARK, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 604 FEET NORTH OF EAST LOOP 250 NORTH); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9936.

Development Services Director Chuck Harrington gave a brief overview of the item noting zone change from AE to R-2 to LR2 to allow mortuary of existing site. Rules does not allow for mortuary asking tom ake change to develop mortunary or funeral home. p7z rec approval 5/20 staff rec approval subbj to cond A. No loj 6/4.

Dufford mortuary same as funeral home. chuck yes believe same. Robnett anythign restricting uses could be gas station if wanted. Dufford inr estrictions can only be used as mortuary. Morales once approved won't see agaain? Chuck not as long as retail use. Lacy in restriction of ordinance.

Trost is this common to have at a location like this. chuck very common.

Mayor Morales opened the public hearing at 10:26 a.m.

Ben Sanchez, PSC question about funeral home it s funeral hoome embalming on site. difference is mortuaanry has embalming on site. answer any additional questions. Dufford where sit? Ben haven't submitted site plan. NO cremation at this site. Lacy getting rid of ccurrent building. no it will be converted. Ben gave copy of prel site plan of where it will sit. if fufneral services it wll take route to easat instead of going down Big Spring. Lacy asked about curb cut Miek Pacelli hasn't seen hasn't been submitted. Dufford whatt size building. Ben can't recall. Dufford how many parking spaaces. Ben 91. John O straight zoning restrictions are found in City Code it is differeent from PD where restrictions in ordinance. Ben no plans on selling any of the property at this time.

Ben will submit site plan as normal thorough process. Maayor just zoning unless have any questions.

There being no one else wishing to speak, the public hearing was closed at 10:30 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9936 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.

28. Hold a public hearing and consider an ordinance on a request by GPV Midland, L.P., for Site Plan Approval on a 9.77-acre tract located in Section 48, Block 40, T-1-S, T&P RR. Co. Survey, City and County of Midland, Texas, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Tradewinds Boulevard and Thomason Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9937

AN ORDINANCE ADOPTING A SITE PLAN FOR A 9.77-ACRE TRACT OF LAND OUT OF SECTION 48, 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 TRADEWINDS BOULEVARD AND THOMASON DRIVE); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9937.

Development Services Director Chuck Harrington gave a brief overview of the item noting site recently annexed in MF2 and zoned dd. applicaant approval of site plan for property desnity 22. staff reviewwed p7z rec approvaal 55/20 as of 6/5 no loj. staff rec approval subj cond a-c.

Mayor Morales opened the public hearing at 10:32 a.m.

Ben Sanchez PSC, 1700 W Wall, avail for questions. has exhibits that didn't make power point landscape drawings ammenities area pool, gym tthat will be cconstructing. Currently in design for on site and extention to west. Lacy going up in acreage made project easier. Ben best can do with area. landlocked with parking only parkiing in ease area due to transmission lines.

There being no one else wishing to speak, the public hearing was closed at 10:34 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9937 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Love thanked for including more 3 bedrooms.

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 an ordinance on a request by Newton 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 1.92-acre portion out of Lot 6B, Block 3, Westridge Park Addition, Section 12, City and County of Midland, Texas. (Generally located on the north side of Deauville Boulevard approximately 351-feet west of Tradewinds Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9938

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.92-ACRE TRACT OF LAND OUT OF LOT 6B, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 12, 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 NORTH SIDE OF DEAUVILLE BOULEVARD, APPROXIMATELY 351 FEET WEST OF TRADEWINDS 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 SueAnn Reyes read the caption of Ordinance No. 9938.

Development Services Director Chuck Harrington gave a brief overview of the item noting applicant requesting PD change to allow dev of hotel. previously vacant zoned office retail. prop use now dev for intended Candlewood Suites. Height issues meet ord. site plan 113 room 121 parking 8 oversized. circ and rev by all depts and approved. iin compl with comp plan passed by p7z 5/20. s taff rec approvbal subj cond a-c. 5/15 no loj. Love overrides parking? chuck oversized parking.

Trost Candlewood Suites are their affiliated with any major chain. Chuck they qae a national flag. Trost developers local? Chuck ask John Newton. Trost we're getting more hotels this is not a full service hotel.

Mayor Morales opened the public hearing at 10:37 a.m.

John Newton 3209 Caldera Blvd New2ton Eng. The dev is KS City MO several hotels under development in area and one iin Midland off I-20 and Midland. Otther then that the hotel row need hotel space and wanted to put in good project. Lacy wwelcome them open for busienss.

There being no one else wishing to speak, the public hearing was closed at 10:38 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9938 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

30. Hold a public hearing and consider a resolution on a request by Edwin Jaquez for a Temporary Land Use for a Music Festival on Lot 4, Block 5, Westridge Park Addition, Section 6, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Tradewinds Boulevard and Champions Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 181

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FESTIVAL AND CONCERT ON LOT 4, BLOCK 5, WESTRIDGE PARK ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND CHAMPIONS DRIVE); 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 one of last few sseeing unless new type of festival new zoning ord allows repating ord to go through administrative process. Edwin Jacuez for annual West Texas Blowout. Prop hours fri Jul 19 r- 1 sat 11 to 1 (4) Livemusic and cons of alcohol bev 8-15 security guards restrooms available through Grande STadium. rev by all depts and approved. no incidents last year staff rec aproval subj to con a-h no loj.

Mayor Morales opened the public hearing at 10:40 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Dufford moved to adopt Resolution No. 2019 - 181; seconded by Council Member Lacy.

Love Jazues on vacation great event he does a great job. Mayor Friday approved a certain time and police wanted to close him time. Chuck just miscommunication.

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

31. Hold a public hearing and consider an ordinance on a request by Arthur Blake Hughes for a Specific Use Permit without Term for a Kennel, on Lot 6, Block 4, Tanglewood, Section 4, City and County of Midland, Texas. (Generally located on the west side of North Lamesa Road, approximately 801-feet north of East Wadley Avenue.). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9939

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 6, BLOCK 4, TANGLEWOOD ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH LAMESA ROAD, APPROXIMATELY 801 FEET NORTH OF EAST WADLEY AVENUE), WHICH IS PRESENTLY ZONED LR-1, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A KENNEL; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9939.

Development Services Director Chuck Harrington gave a brief overview of the item noting sup for kennel 3501 N Lamesa currently zoned LR-1 prev gymanistics. codes allowed by sup in LR1 or less restriction. because of that going through process. approx 20 kennels used for dogs being trained not for dropping of zones specifically for training. all dogs in compl of city code dealing with boarding in kennels circulated dto all depets. meetsw all req off sup without term for kennsl staff rec approval subj to cond a-f. processed and approved p7z 5/20. A-F are cond as uf 6/5 no loj. Hotchkiss no outdoor space for dog to run. no place outside dogs contained all inside. Chuck don't know how long training period last. Most area is for outdoor training. not boarding training. Trost talkoing about show dogs or taking it for school. Chuck ask applicaant.

Mayor Morales opened the public hearing at 10:45 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Love a lot of unknowns and like clarity don't want to stop from progressing would liek to move for deferal and have applicant come. Dufford rather than defer go ahead and vote today and hope shows up next meeting.

Arthur BalkeHughes 3501 N Lamesa Rd. there is outside area available for running and playing and then come back in. Training is more for obedience not for show dogs, just for average person to get dog trained. Dufford providing obedience schools for dog owners. Hughes 10 day program teach dogs, owners come back and then teach owners. Robnett dogs boarded at facility overnight for entire 10 days. Love outside area point where be and is it fenced. Arthur full acre fenced in and is area behind building. 6 foot chain link fence. Two areas bricked on bottom. Hotchkiss dogs won't be allowed to run free in whole area. If dogs are running free how long a period outside, will there be adult with them. Arthur supervised play outside. No way get out. Robnett no dog sleep in outside. Lacy inside building soundproofed. Arthur gymnastics for 20 years .

Dufford what do you charge. Arthur haven't decided yet. Trost hoping will not be training for defense purposes like aggressive type dogs. Arthur just basic obedience most will be like young puppies.

Hotchkiss change one part req for sup without term would like to set a term for five years or one year to ensure comfortable. Lacy and then administratively approved by Courtney . John O prov in ord allows Courtney to revoke if issues.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9939 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.

32. Hold a public hearing and consider an ordinance on a request by Ismael Estrada for a Special Exception from the City of Midland Zoning Code, Section 11-1-7 -Area, yard, structure, parking, and miscellaneous lot and use regulations concerning the minimum lot area on Lot 3, Block 1, Rolling Green Acres, Section 2, City and County of Midland, Texas. (Generally located on the east side of Chukar Lane, approximately 322-feet north of East Business I-20 Interstate.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9940

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3, BLOCK 1, ROLLING GREEN ACRES, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF CHUKAR LANE, APPROXIMATELY 322 FEET NORTH OF EAST BUSINESS INTERSTATE 20), BY PERMITTING A REDUCED MINIMUM LOT AREA; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9940.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9940.

Development Services Director Chuck Harrington gave a brief overview of the item

noting area structures special exception to replat into two plats to build house without reoning. presently zoned AE requires min 2 acres for residential home. to accomplish replat in two lots each one acre per lot to build house. It has been routed to all depts for their review. Plan analysis request is significant deviation no hardship staff rec denial. Did receive one lot. Love any idea of how if this were to be granted how lots would be split. Love existing structure. chuck yes. Hotchkiss exist structure. Lacy can't rezone. Chuck can't because everything around is AE. Love in light of history of this area and problems had in past with respect to developers understand what planning staff analysis what is historical perspective if it has one regarding this property. Are we making it worse for the whole neighborhood? Chuck would annex take in as AE or PD to be determined. Now don't annex unless know what it will be. If look at homes on large lots. This area does not have sewer service. One acre lot minimum to get septic.

Mayor Morales opened the public hearing at 10:56 a.m.

Yoyo Ketter 1101 Todd have property on Chukur in rumors going wasn't sure what was going to happen. Rumors trailer park SWD facility. Fine what what telling which is build a home but reason to supposed do this want a barn up that has a kitchen in it. Just want a guarantee that that is all it will be. Lacy SWD could never go there to alleviate that. Yoyo am concerned about don't want those people fixing to come in and make facility family friendly which is what it has already been. We have large lots all min of 2 acres most have more. Had lots of issues before and don't want that. Mayor do not want to see trailer park rv park. Yoyo home and shop building is fine want guarantee. Love would barn with kitchen be okay. Yoyo yes. Don't understand why that is need to rezone to one acre lot. Two acres fine with that. If make them split up guarantee only thing going there?

Chuck its not build a barn it is to build two homes could be a barn minimum. It is to be two separate lots split to be residences.

Elizabeth Estrada 900 Chukur, prior to wanting to start barn minimum we were told weren't able to do to kitchens on two acres. a barn minimum for zone and another home for other son in front two homes on two acres. Morales you understand regs above and beyond two septic tanks. understood.

Josh Young 1301 Chukur, if all want to do is build another house don't care. If don't increase traffic but concern and rumors flying around what sort of guarantees house and not a business already businesses on Chukur already complained. provided pictures of what is already going out there. Got promises what are we going to do. Lacy didn't grant building permit for business. Sometimes think coming down golf course. Mayor not granting permit doing illegally will check into that. This issue heard from applicant is apply if council approved that's how it will be approved. John O if violate city code enforcement will be taken. Lacy our code enf is noted and he will go back and look at.

Lovetalking about businesses out there there are businesses that are out there shouldn't be what are rules of home businesses. John O generally speaking can't operate business out of a home.

Tonya Frandon 904 Chukur Lane, been there 20 years single mom widowed. So much stuff going on behind house talk to aldy who owns property had care takeer wanted to bring 100 chickens he said made exception. They park everything on their back fence

which is her bedroom window front end loaded. starte dputting poles up for kitchen why coming to City Council if started building. That's what makes her made put stuff up without getting permission. Business 18-wheelers have to go to PD nothing been done. Did go to Code Enforcement supposedly care taker. left dogs trained to tree. This makes made want to put two hosues on two acres one house per 2 acres where live it. Property never taken care of have to call code enforcement want to do stuff but not legally. Wonderful neighborhood got rid of mobile home park but do have issues glad gentleman will check into issues. HOpe build house but don't want it illegal. Love, the problems had previouosly was that the current owner or different owner. Tonya current owner but caretaker. Dufford have services that have come out animal control have they been responsive. Had malnutrition horse out there aand was removed. Told them so many days to get ridd of all chickens and guy removed.

Mayor invited applicant back up.

Mayor if Council approved heard issues, that was caretakiing maintaining took upon himself to move his ranch knwoing weren't able3 to see him. Love caretaker there doing to do that. When did you come back. Elizabeth made a trip here and ran him off 5 years ago. We are baack in Midland now now need. Mayor if Council approve, be a good neighbor. They are trying to have a great neighborhood. Doesn't want another bad item.

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

Love in City limits in district one of most neglected areas of town problems there before on Council.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9940 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

33. Hold a public hearing and consider a resolution on a request by Lisa J. Grissom for approval of a Temporary Land Use for a Music Festival on a 0.70-acre portion of S. Loraine Street right-of-way adjacent to Blocks 65, 66, 85, and 86; and a 0.51-acre portion of W. 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.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 182

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A MUSIC FESTIVAL ON A 0.70-ACRE PORTION OF SOUTH LORAIN 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 LORAIN STREET AND WEST MISSOURI 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 tlup for annuaal tall city bles fesst hours fri 7-1 usua 3 venues outdoor main stage two venues inside double tree. gen amdission parking on superblock. sale of on prem cons both days restrooms and security gurads. close portion loraine and s mo. reoopen no later jul 14 6 am? rev by all depts won't see next eyr go thorugha dmin process. rec approval of tlup subj cond a-k. as of 6/5 one loj.

Mayor Morales opened the public hearing at 11:15 a.m.

Lisa Grissom, suually streets open by 1 or 2 a.m. Sunday. LOJ Mr. Kimbal already worked something out with him he needs access to oen way parking garage we make accomodations. 201 W Wall,

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

Council Member Lacy moved to adopt Resolution No. 2019 - 182 with amendment to change hours to torn down by 2 p.m. on Sunday.; seconded by Council Member Love.

Lisa majority is moved by 4 a.m. Is 2 p.m. plenty of time.

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

34. Hold a public hearing to receive input regarding the 2019/2020 Community Development Action Plan prior to CDBG application submission to the Department of Housing and Urban Development. (DEVELOPMENT SERVICES)

Isaac Garnett time again to seek in put from community. HOpe to receive 915,000 and 100,00 in progrma income. Additional 100,000

Mayor Morales opened the public hearing at 11:19 a.m.

Tnya Ecker Case De Amiga exec dir. thank you for ongoing support, actually celebrating 25 years of cleaning homes of elderly in community who otherwise would not be able to live in homes. Live in home longer quality of life improved graateful considerrequest every year. Love always have to say this but this wonderful program started by Ms. Dora Richardson she was pioneer.

Tracy Rendon, Senior Life Midland , thank you for continues support of CDBG without comm block dev so many senior swould not have acces to food at se senior enter thankful for reltiaonship with fd well checks and medial care for senior s at center but also excited with food bank with food pantry twice a month for community to take home to fmilies. great leaderhsi in place. Love thak you for what you do and SE Sr Cetner starte by Iris Hall's mother. Tracy belssed to have that legacy. Morales always need drivers, Tracy yes for meals on wheels 575 meals a day 39 routes and volunteers are esential and necessary to provide service. Trost idea of how many drivers get, Tray need avg of 39 drivers ask people tag team together. ONe driving navigating and one taking meals.

David Diaz 208 S Marienfeld just liek predecessor s want to thank council for support.

This year is exciting celebrating 150th house this year. That means is City helped to acquire land infrastructure streets 150 houses and 2 apts complexes rep 45 M in community.

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

35. Hold a public hearing and consider a resolution on a request by Midland Children's Rehab Center for approval of a Temporary Land Use for a Fundraiser Event on Block 32, Original Town Addition, City and County of Midland, Texas. (Generally located at the southwest of the intersection of West Illinois Avenue and North Marienfeld Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 183

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FUNDRAISING EVENT ON BLOCK 32, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST ILLINOIS AVENUE AND NORTH MARIENFELD 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 Midland Childrens rehab center requested TLUP for fund raising event this won't come back next year. Proposing to hold on top of Faskin parking garage fundraiser sat 6/22 6:30 to 11. set up on Friday at 2 p.m. torn down 10 a.m. 6/23. live music stage dance floor food, dance music, no north side of garage sound directed to south. restrooms and security guards. rev by all staff rec approval subj cond a-i. no loj. Love why here because of alcohol? Chuck alcohol and music next year do again won't see administrative.

Mayor Morales opened the public hearing at 11:26 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2019 - 183; 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.

MISCELLANEOUS

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

Council Member Hotchkiss moved to reappoint Larry Edgerton to another term at Permian Basin Community Centers; 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.

Hotchkiss introduce Chris Barnhill PBCC new CEO took over for Ramona Thomas PermianCare formerly been here 29 years took over 6/3 also been with org since 1995. in front here forward.

PUBLIC COMMENT

David Diaz invite Council to seminar 9 a.m. Midland College South Campus getting end of year housing tax credits this year 4 applications submitted to state and 4 at end of elimination process in Midland and will get credits awarded to Midland for renovation of apartments. David not official until end of month make final decisions. Putting together workshop to bring in experts to let Council be able to ask questions and learn. Expect to have more applications this year. This is where compete with San Angelo and Odessa.

Gary Kennedy 0906 Chapparel, whataburger non profit heart ptsd wear hats received hat commander american legion would like to get issues with vets situations see a lot of homeless and would like to see something dealing with homeless community to do something with vets give bed of own. vets don't want to work want something to call their own. Abilene homeless community would like to do same thing in community. Love in touch with Paul Barowski working with homeless.

Love rumor going to be party here thursday for the longest employee of COM Ester Gomez.

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

EXECUTIVE SESSION

recess to exec session 11:33 a.m.

38. 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, Deliberation Regarding 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.
 - b. Section 551.071, Consultation with Attorney
 - b.1. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

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

PASSED AND APPROVED the __ day of ____, 2019.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary