

**MIDLAND CITY COUNCIL
MINUTES
June 26, 2018**

BRIEFING SESSION

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

1. Invocation - Pastor Robert Pase, Grace Lutheran 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 Lacy moved to approve Consent Agenda items 4 - 18 excluding 5; seconded by Council Member Dufford.

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

4. Approved a motion approving the following minutes:

a. Regular City Council meeting of June 12, 2018.

Council Member Lacy moved to approve Consent Agenda items 4 - 18 excluding 5; seconded by Council Member Dufford.

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

b. Special City Council meeting of June 19, 2018

6. Approved a resolution approving the purchase of Microsoft Volume True-Up licensing from SHI Government Solutions, Inc. through Department of Information Resources (DIR) contract DIR-TSO-4092 for the Communications and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2018 - 222

RESOLUTION AUTHORIZING THE PURCHASE OF MICROSOFT VOLUME TRUE-UP LICENSING FROM SHI GOVERNMENT SOLUTIONS, INC. OF AUSTIN, TEXAS, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES, FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT AT A TOTAL COST OF \$232,716.24; AND AUTHORIZING PAYMENT THEREFOR

7. Approved a resolution approving the issuance of a request for qualifications for professional services for the design of Fire Station Eleven (11) and the demolition and redesign of Fire Station Five (5) for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 223

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE DEMOLITION AND REDESIGN OF FIRE STATION FIVE AND THE DESIGN OF FIRE STATION ELEVEN FOR THE GENERAL SERVICES DEPARTMENT

8. Approved a resolution approving the issuance a Request for Proposals for the demolition of the Building of the Southwest. (PURCHASING)

RESOLUTION NO. 2018 - 224

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE DEMOLITION OF THE BUILDING OF THE SOUTHWEST

9. Approved a resolution amending Chapter XII, "Employment at Will" Section I, "Council Appointees, Other Employees and Department Managers", of the City of Midland Personnel Policies; Establishing an Effective Date of June 27, 2018. (ADMINISTRATIVE SERVICES)

RESOLUTION NO. 2018 - 225

RESOLUTION AMENDING CHAPTER XII, "EMPLOYMENT AT WILL", SECTION 1, "COUNCIL APPOINTEES, OTHER EMPLOYEES AND DEPARTMENT MANAGERS", OF THE CITY OF MIDLAND PERSONNEL POLICIES; AND ESTABLISHING AN EFFECTIVE DATE OF JUNE 27, 2018

10. Consider a Resolution authorizing the First Vice Chairman to execute an agreement between the Midland Development Corporation and the Texas Tech University Health Sciences Center; said agreement being for research, clinical and academic programs to implement a wide range of child and adolescent psychiatric services in Midland, Texas; appropriating funds; and authorizing payment therefor (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 226

RESOLUTION APPROVING A LOCATION INCENTIVES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER; SAID AGREEMENT PROVIDING FOR THE SUPPORT OF RESEARCH, CLINICAL AND ACADEMIC PROGRAMS TO IMPLEMENT A WIDE RANGE OF PSYCHIATRIC SERVICES IN MIDLAND, TEXAS

11. Approved a resolution authorizing the Chairman to negotiate and execute an Economic Development Agreement between the Midland Development Corporation and Midland College for the support and expansion of the Midland College Transportation Training Continuing Education Program; and authorizing payment therefor in an amount not to exceed \$481,000.00. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 227

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND MIDLAND COLLEGE FOR THE SUPPORT AND EXPANSION OF THE MIDLAND COLLEGE TRANSPORTATION TRAINING CONTINUING EDUCATION PROGRAM, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

12. Approved a resolution authorizing the City Manager to negotiate and execute a sub-

surface easement agreement between the City of Midland and Diamondback E&P LLC, located two hundred and fifty feet south of the northern property line of the NW/4 NE/4 NE/4 of Section 5, Block 40 T-2-S, T&P RR Co. Survey, County of Midland, Texas. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 228

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, A SUB-SURFACE EASEMENT AGREEMENT GRANTING TO DIAMONDBACK E&P LLC A SUB-SURFACE EASEMENT LOCATED IN CITY-OWNED LANDS EXTENDING 250 FEET SOUTH OF THE NORTHERN PROPERTY LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, FOR THE PURPOSE OF DRILLING, REWORKING, COMPLETING, MAINTAINING, PRODUCING, OPERATING, PLUGGING AND ABANDONING WELLBORES UNDER, ACROSS AND THROUGH SAID LANDS TO BENEFIT THE OIL, GAS AND OTHER MINERAL PRODUCTION FROM WELLS DRILLED OR TO BE DRILLED BY DIAMONDBACK E&P LLC, ITS SUCCESSORS OR ASSIGNS ON LANDS LOCATED IN SECTIONS 41 AND 44, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

13. Approved a resolution accepting a Drainage Easement from T J & S, L.P., located in Lot 2B, Block 1, Mustang Industrial Park, Section 3, City of Midland, Midland County, Texas, for the purpose of conveying storm water runoff associated with an office/industrial development, authorizing the execution of said Drainage Easement; and ordering recordation by the City Secretary (City of Midland, Midland County). (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 229

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.55-ACRE DRAINAGE EASEMENT LOCATED IN LOT 2B, BLOCK 1, MUSTANG INDUSTRIAL PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

14. Approved a resolution to authorize execution of a Public Improvement Development Agreement with Midland Pipe & Equipment, Inc. in the amount of \$21,918.00 for future design and construction of public wastewater improvements to serve Yadon Addition; and appropriating funds therefore; said agreement being authorized by Section 395.081 of the Texas Local Government Code. The subject property is generally located on the east side of Rankin Highway approximately 1,070 south of Interstate 20, in the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 230

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH MIDLAND PIPE & EQUIPMENT, INC. FOR WASTEWATER COLLECTION IMPROVEMENTS TO YADON ADDITION (GENERALLY LOCATED ON THE EAST SIDE OF RANKIN HIGHWAY, APPROXIMATELY 1,070 FEET SOUTH OF INTERSTATE 20); AND AUTHORIZING THE TRANSFER OF FUNDS RECEIVED IN ACCORDANCE WITH SAID AGREEMENT; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

15. Approved a resolution authorizing the renewal of an Operating Certificate for B&B Platinum Limo, LLC. (POLICE)

RESOLUTION NO. 2018 - 231

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR B&B PLATINUM LIMO, LLC, TO OPERATE A LIMOUSINE BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

16. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and West Texas LPG Pipeline Limited Partnership, said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing a natural gas liquids pipeline, not to exceed sixteen (16) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located within City of Midland property, Section 41, Block 38, Township 1 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2018 - 232

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND WEST TEXAS LPG PIPELINE LIMITED PARTNERSHIP REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 41, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

17. Approved a resolution authorizing acceptance of a Public Utility Easement between the City of Midland and Archrock Services, L.P. (UTILITIES)

RESOLUTION NO. 2018 - 233

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.0115-ACRE PUBLIC UTILITY EASEMENT LOCATED IN LOT 2, BLOCK 6, I-20 TERMINAL PARK ADDITION, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

18. Approved a resolution authorizing the Office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to represent the City of Midland in a lawsuit styled Johnnie Thomas v. Joann Young and the City of Midland, Texas, in the 385th Judicial District Court, Midland County, Texas, Cause No. CV53674. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2018 - 234

RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO FILE ALL DOCUMENTS, EMPLOY ALL NECESSARY EXPERTS AND MAKE ALL NECESSARY APPEARANCES TO REPRESENT THE CITY OF MIDLAND IN A LAWSUIT STYLED JOHNNIE THOMAS V. JOANN YOUNG AND THE CITY OF MIDLAND, TEXAS, IN THE 385TH JUDICIAL DISTRICT COURT, MIDLAND COUNTY, TEXAS, CAUSE NO. CV53674

5. Approved a resolution approving the issuance of a Request for Proposals for ambulance stretchers for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 221
RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS
FOR AMBULANCE STRETCHERS FOR THE GARAGE DIVISION

listen 1005

Council Member Lacy moved to adopt Resolution No. 2018 - 221; seconded by Council Member Dufford.

Love is that would save., blumenauer 15 20 animal control owner transfer in 911 seervices came up with standard was old amber system peice not holding up and letting people ssurvive rolovers hoping cu tin hal

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

SECOND READINGS

19. Consider an ordinance on second reading on a request by Chase Gardaphe for an amended Specific Use Permit without Term for a Manufactured Home Park on Lot 1, Block 1, Fairgrounds Addition, City and County of Midland, Texas.(Generally located on the east side of North Fairgrounds Road, approximately 960-feet south of East Golf Course Road.) (DEVELOPMENT SERVICES) (First reading approved June 12, 2018.)

ORDINANCE NO. 9777

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 1, FAIRGROUNDS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH FAIRGROUNDS ROAD, APPROXIMATELY 960 FEET SOUTH OF EAST GOLF COURSE ROAD), WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A MANUFACTURED HOME PARK; 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. 9777.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9777 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

20. Consider an ordinance on second reading on a request by Basin Roofing and Construction Inc. for a Zone Change from LR-2, Local Retail District, to LI, Light

Industrial District, on a 2.00-acre portion of Section 33, Block 40, T-1-S, T&P, RR Co. Survey, City and County of Midland, Texas. (Generally located on the northside of State Highway 191, approximately 1,110-feet east of North County Road 1271.) (DEVELOPMENT SERVICES) (First reading approved June 12, 2018.)

ORDINANCE NO. 9778

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.00-ACRE TRACT OF LAND OUT OF SECTION 33, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN LI, LIGHT INDUSTRY DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 1,110 FEET EAST OF NORTH COUNTY ROAD 1271); 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. 9778.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9778 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

21. Consider an ordinance on second reading on a request by the City of Midland for a city initiated zone change from LR-2, Local Retail District to BP, I-20 Business Park District on a 36.6-acre tract of land out of Section 1, Block 39, T-2-S, and Section 6, Block 38, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located at the southwest corner of Interstate Highway 20 and State Highway 158.) (DEVELOPMENT SERVICES) (First reading approved June 12, 2018.)

ORDINANCE NO. 9779

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 36.6-ACRE TRACT OF LAND OUT OF SECTION 6, BLOCK 38, AND SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A BP, I-20 BUSINESS PARK DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF INTERSTATE HIGHWAY 20 AND STATE HIGHWAY 158); 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. 9779.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9779 in accordance with the Charter of the City of Midland; seconded by Council

Member Hotchkiss.

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

22. Consider an ordinance on second reading on a request by Midland Community Development Corporation for approval of a Special Exception to the Zoning Code, Section 11-1-7, -Area, yard, structure, parking, and miscellaneous lot and use regulations concerning front yard setbacks on Lot 2A, Block 8, Pueblo De Arroyo, City and County of Midland, Texas. (Generally located at the northeast corner of North Tyler Street and Elm Street.) (DEVELOPMENT SERVICES) (First reading approved June 12, 2018.)

ORDINANCE NO. 9780

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 2A, BLOCK 8, PUEBLO DE ARROYO, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH TYLER STREET AND ELM AVENUE), 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 Misty Cryer read the caption of Ordinance No. 9780.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9780 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

PUBLIC HEARINGS

23. Hold a public hearing and consider an ordinance on a request by Leonard (Chip) Hight for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, on a 2,957-square foot portion of the west 1.5 feet of Lot 3, Lots 4 through 6, and the east 24.25 feet of Lot 7, Block 65, Original Town Addition, City and County of Midland, Texas. (Generally located on the south side of West Wall Street, approximately 170-feet east of South Colorado Street. Council District 2.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9781

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 2,957-SQUARE FOOT PORTION OF THE WEST 1.5 FEET OF LOT 3, LOTS 4 THROUGH 6, AND THE EAST 24.25 FEET OF LOT 7, BLOCK 65, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WALL STREET, APPROXIMATELY 170 FEET EAST OF SOUTH COLORADO STREET), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID

PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A 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 Misty Cryer read the caption of Ordinance No. 9781.

Development Services Director Chuck Harrington gave a brief overview of the item nothing SUP with term for sale of alcoholic beverages in bar. The applicant just bought, aalco svc hours m-s 3-12:30 a.m. no church or shcool within 300 feet. do request meet building requirements as previous approved. meets all requirements of ord staff rec approval.

Morales no food. chuck it is bar no food.

Mayor MOrales oph 10:13 a.m. cph

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9781 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Morales under 100 seats, yess.

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

24. Hold a public hearing and consider an ordinance request by Midland Koontz, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption in a restaurant on Lot 8, Block 44, Fairmont Park Addition, Section 27, City and County of Midland, Texas. (Generally located on the east side of West Loop 250 North, approximately 233-feet south of Henry Koontz Boulevard. Council District 1.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9782

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 8, BLOCK 44, FAIRMONT PARK ADDITION, SECTION 27, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 233 FEET SOUTH OF HENRY KOONTZ BOULEVARD), 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. 9782.

Development Services Director Chuck Harrington gave a brief overview of the item noting site of Johnny Carinos. new owners and wish to have own permit under their name midland kunts mname of permit. scs hours mon-sat 11-12 applicant rreq alco svcs sun thur-11-11 fri sat 11-12. total sq footage 3200 to alcohol. no schols or churches in 300 fet. meets all req staf rec approval.

Mayor Morales opened the public hearing at 10:15 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9782 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: None. ABSENT: Sparks.

25. Hold a public hearing and consider an ordinance request by Meredith Morales for a Specific Use Permit with Term, for the sale of all beer and wine beverages for on-premises consumption, in a restaurant, on a 3,645 square feet portion of Lot 1, Block 2, Claydesta Plaza, City and County of Midland, Texas. (Generally located on the east side of Desta Drive, approximately 235-feet north of West Wadley Avenue. Council District 3.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9783

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,645-SQUARE FOOT PORTION OF LOT 1, BLOCK 2, CLAYDESTA PLAZA, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF DESTA DRIVE, APPROXIMATELY 235 FEET NORTH OF WEST WADLEY AVENUE), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR MIXED USE (OFFICE AND RETAIL), BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF BEER AND WINE IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9783.

Development Services Director chuck Harrington gave a brief overview of the item noting request for bev in restaurant in ClayDesta Bulding. zoned pd with underlying office and retail. property previously had sup for sale of all beer and win approved back in 1984, proposed horus alco mon-fri 11-11 and sat 8-11 p.m. total flor area 3285 incld 360 of atrium seating. ad parking, restrooms facilites, staff reveiwed and found complied and rec approval. No loj.

Mayor Morales opened the public hearing at 10:17 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9783 in accordance with the Charter of the City of Midland change hours of operations saturday from 10 a.m. to 11 p.m. ; seconded by Council Member Robnett.

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

26. Hold a pubic hearing and consider an ordinance on a request by Betenbough Homes for a zone change from AE, Agriculture-Estate District to 1F-3, One-Family Dwelling District on a 0.712-acre tract of land out of Section 7, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located west of Fairgrounds Road, approximately 927-feet north of Arapahoe Road. Council District 1.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9784

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 0.712-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED WEST OF FAIRGROUNDS ROAD, APPROXIMATELY 927 FEET NORTH OF ARAPAHOE ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9784.

Development Services Director Chuck Harrington gave a brief overview of the item noting request by Betenbough Homes for parcel of land that sticks out convert to standard zoning on rest of property which is 1f3 to develop as residential lots. w ill ahve to adhere to plaattng outline inc ompliance wiht com pplan, reviewed by all depts only issue is 25 feet , staff approved and p7z approved no loj rec approval.

Mayor Morales opened the public hearing at 10:20 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9784 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

27. Hold a public hearing and consider a resolution on a request by Edwin Jaquez for a Temporary Land Use Permit for a Festival & 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. Council District 4.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 235

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 West Texas Blowout, had before, no issues in past, continuation of what done in past, live music, also bev 8 sec guard 8 port restrooms for backstage crew vip and use grande comm stadium for gne adm. reviewed by all depts exception is FD would like ot visit for fire est. staf rec approval to tlup subj to cond a thorough i. no loj.

Mayor same layout, chuck yes.

Mayor Morales opened the public hearing at 10:22 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Robnett moved to adopt Resolution No. 2018 - 235; seconded by Council Member Lacy.

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

28. Hold a public hearing and consider an ordinance on a request by Ravi Katta for approval of a Site Plan on Tract 25, Replat of Terrace Gardens Addition, City and County of Midland, Texas. (General located on the north side of West Illinois Avenue, approximately 890-feet east of North Powell Street. Council District 3.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9785

AN ORDINANCE ADOPTING A SITE PLAN FOR TRACT 25, REPLAT OF TERRACE GARDENS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST ILLINOIS AVENUE, APPROXIMATELY 890 FEET EAST OF NORTH POWELL STREET); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9785.

Development Services Director Chuck Harrington gave a brief overview of the item noting this was site of old manor park high rise residential. applicant is requesting approval of site plan modifi o multi family dwellings on proeprty. been changes requires different approach than pasat. acquired land and devleoped parking to acoomodate parking needs. Affordable housing. in ph 1 900 sq ft of office and 40 units in quad homes alredy occupied south tower ad 44 units he is devleoping. more than enough parking for now but phase 2 will have to accomodate addition parking. They have additional acre of land and total of 235 parking. p7z rec approval and staf rec approval

with note 3 loj. Dufford need super majority. chuck no. Love parking lto nott sufficient for phase 2. chuck need aobut 25 more spaceess. Morales when proposing phase 2. Chuck trying to accomodate by allowing to move forward with phasee 1. Robnettt hud or applicant hud not involved. chuck no. Hotchkiss the low housing units on ground are alredy occupied. chuck yes they kept those operational.

Love whose district? Chuck beleive district 3.

Mayor Morales opened the public hearing at 10:27 a.m.

Tom Miller Exeuct dir family promise 4311? Valley Drive, one question to consider is questiona bout hZUD housing how many of current famileis rreside under hud and would they be displaced?

Bobby? Today hhave housing 5-6 housing authority people and will not push them out it is up to them. cater to working class people 800-1100 not 2000. Mayor 1-2 bedroom. Him efficiencies or 1 bedrooms less then 20 are two bedrooms. for phase 2 plan to accomodate added parking lot short 30 lots for phase 2. phase 1 is 44 units phasse 2 another 30. Morales timelline ph2. prob 3 -4 motnhs. Love thanked for housing needed in city. see 2 extremes see market housing or affordabble housing this is right in middle haven't had and desperately need.

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. 9785 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

29. Hold a public hearing and consider an ordinance on a request by Roy Guerra for approval of a Special Exception for 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 Lot 3, Block 20, 349 Ranch Estates, Section 3, City and County of Midland, Texas. Generally located on the west side of Cisco Street, approximately 340-feet south of Arapahoe Road. Council District 1.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9786

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3, BLOCK 20, 349 RANCH ESTATES, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF CISCO STREET, APPROXIMATELY 340 FEET SOUTH OF ARAPAHOE ROAD), 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 Misty Cryer read the caption of Ordinance No. 9786.

Development Services Director Chuck Harrington gave a brief overview of the item noting all area marked AE and when look at properties none are big enough to be AE put burden on to 40 foot and asking to reduce to 25 foot. from staff prospective can't support can get 40. Consider taking whole area and cut off and make 1-f3 which would fit houses and able to develop with 25 foot front yards. don't know how it got there but need to correct zoning issue but not here today to do. Council can consider do that because applicant is here on own. council can issue and staff come back with rezoning to clean and correct all problems.

Mayor Morales opened the public hearing at 10:33 a.m.

Roy Guerra, building for daughter asked to fight because zoning doesn't allow grandaught much area to play in. house existing across street who didn't follow rules and they got away with it. want to keep kids in back yard.

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. 9786 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: None. ABSENT: Sparks.

MISCELLANEOUS

30. Consider an ordinance amending Title X, "Traffic Regulations", Chapter Four, "Traffic Control Devices", Section 11, "School Zones and Crossings", of the Midland City Code, so as to designate each school zone and school crossing within the City and regulate the speed and movement of traffic therein; authorizing and directing the Traffic Engineer to install appropriate signs and markings; repealing Ordinance No. 9672; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES)

ORDINANCE NO. 9787

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER FOUR, "TRAFFIC CONTROL DEVICES", SECTION 11, "SCHOOL ZONES", OF THE MIDLAND CITY CODE, SO AS TO DESIGNATE EACH SCHOOL ZONE WITHIN THE CITY AND REGULATE THE SPEED AND MOVEMENT OF TRAFFIC THEREIN; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 9672; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9787.

Traffic Engineer Mike Pacelli gave a brief overview of the item noting straight forward school zone handle every summer moving 4 school zones with little to no traffic all 4

zones assoc with two different misd facility they are in agreement to change. Love we would like to hug one on gol course and cuthbert def not needed.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9787 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

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

Council Member Hotchkiss appoint Westmoreland and Foster to MOUTD and Karment Bryant to P&Z alternate and move up Nichols to regular member; seconded by Council Member Dufford.

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

Council Member Love moved to appoint to Capital Improvement Committee, Pate, Payne, Black, Sales, Harrington, Ortiz, Wilson, ; seconded by Council Member Hotchkiss.

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

PUBLIC COMMENT

No citizens were present wishing to speak.

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

EXECUTIVE SESSION

Recess to Executive Session 10:43 a.m.

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

- a. Section 551.072 Deliberation Regarding Real Property.

- a.1. Discuss the purchase, exchange, lease, or value of real property described as Lot 1, Block A1, Johnson & Moran Addition, and Lots 5 and 6, Block 2, University Park Addition, City and County of Midland, Texas.

- b. Section 551.087 Deliberate Economic Development Negotiations

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

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

PASSED AND APPROVED the __ day of _____, 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary