

**MIDLAND CITY COUNCIL
MINUTES
September 10, 2019**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on September 10, 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., September 10, 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

1. Invocation - Pastor Dr. Darin Wood, First Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

Moment of silence for the tragedy. prayer vigil wed 6:30p.m. Midland College

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of proclamation for League of Women Voters Day
 - b. Presentation of Proclamation for Cedric Benson Day

BUDGET AND TAX RATE

4. Consider an ordinance on second reading providing funds for the fiscal year beginning October 1, 2019 and ending September 30, 2020. (FINANCE) (First reading held on August 27, 2019)

ORDINANCE NO. 9971

AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020, BY APPROVING THE BUDGET FOR SAID PERIOD AND APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES AND UNAPPROPRIATED FUND BALANCE OF THE CITY OF MIDLAND FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS TO THE CITY; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9971.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9971 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

5. Consider an ordinance on second reading fixing the Tax Levy for the City of Midland,

Texas for the fiscal year 2019-2020. (FINANCE) (First reading held on August 27, 2019)

ORDINANCE NO. 9972

AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2019, AND ENDING ON SEPTEMBER 30, 2020

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9972.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9972 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

words from dufford 4.37% increase over effective rate.

Love voted against budget not enough \$ for roads.

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

6. Approved a resolution Ratifying the Property Tax Revenue Increase Reflected in the Fiscal Year 2019-2020 Budget. (FINANCE)

RESOLUTION NO. 2019 - 256

RESOLUTION RATIFYING THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FISCAL YEAR 2019-2020 BUDGET

Council Member Robnett moved to adopt Resolution No. 2019 - 256; seconded by Council Member Trost.

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

CONSENT AGENDA

7. Approved a motion approving the following minutes:

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; seconded by Council Member Lacy.

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

- a. Regular City Council meeting of August 20, 2019 (Budget)

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; 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.

b. Special City Council meeting of August 21, 2019

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; 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.

c. Regular City Council meeting of August 27, 2019

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; seconded by Council Member Lacy.

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

8. Approved a resolution to Allocate Development Costs from the Downtown Open Space Agreement to the Park Conservancy - Downtown Project (900312) (FINANCE)

RESOLUTION NO. 2019 - 257

RESOLUTION ALLOCATING THE SUM OF \$1,000,000.00 FROM THE 2019 OPERATING BUDGET OF THE HOTEL MOTEL FUND (090) TO THE PARK CONSERVANCY - DOWNTOWN PROJECT (900312)

Pam \$1 M second part of pledge to deveelop downtown park since construction not done moving into project to pay next year when do get construction done. Robnett another use of hotel/motel tax dollars in add 14, 16, 17 and other items last two meetings spending funds into park system. big projects that move needle on quality of plac ein midland.

Council Member Robnett moved to adopt Resolution No. 2019 - 257; 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.

9. Approved a resolution awarding a contract for Cowden Park Traffic Calming Project to Onyx General Contractors, LLC. for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 258

RESOLUTION AWARDING A CONTRACT FOR THE COWDEN PARK TRAFFIC CALMING PROJECT TO ONYX GENERAL CONTRACTORS, LLC OF MIDLAND, TEXAS, AT A TOTAL COST OF \$84,056.00; AND AUTHORIZING PAYMENT THEREFOR

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; seconded by Council Member Lacy.

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

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

10. Approved a resolution awarding a professional services agreement with DataProse, LLC. for Outsource Bill Printing and Mailing Services for the Finance Department. (PURCHASING)

RESOLUTION NO. 2019 - 259

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH DATAPROSE, LLC OF COPPELL, TEXAS, FOR BILL PRINTING AND MAILING SERVICES FOR THE FINANCE DEPARTMENT AT A TOTAL COST NOT TO EXCEED \$250,000.00; AND AUTHORIZING PAYMENT THEREFOR

Trost item put out for bid pam yes.

Council Member Love moved to adopt Resolution No. 2019 - 259; 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 authorizing the City Manager to advertise the remaining three (3) years of the 2017 Road and Utility Bond. Each project will provide road improvements, utility adjustments, sidewalk extensions, and pedestrian ramps, with the provision that said bids shall neither be accepted nor become effective until approved by the City Council for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 260

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE THE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR PROJECTS THAT WILL PROVIDE ROAD, SIDEWALK, PEDESTRIAN RAMP, AND PUBLIC UTILITIES IMPROVEMENTS AT THE FOLLOWING LOCATIONS: (1) THOMASON DRIVE, FROM LOOP 250 TO WALL STREET; (2) GARFIELD STREET, FROM MICHIGAN AVENUE TO GOLF COURSE ROAD; (3) A STREET, FROM INDIANA AVENUE TO CUTHBERT AVENUE; (4) TARLETON STREET, FROM GOLF COURSE ROAD TO WADLEY AVENUE; (5) ANETTA DRIVE, FROM LOOP 250 TO MIDLAND DRIVE; (6) SINCLAIR AVENUE, FROM LOOP 250 TO MIDLAND DRIVE; (7) A STREET, FROM SCHARBAUER DRIVE TO WADLEY AVENUE; (8) WHITTLE WAY, FROM SUNSHINE PARKWAY TO WADLEY AVENUE; (9) MAIN STREET, FROM OHIO AVENUE TO WADLEY AVENUE; (10) SOLOMON LANE, FROM A STREET TO BIG SPRING STREET; (11) SUNGLO STREET, FROM MIDKIFF ROAD TO COTTON FLAT ROAD; (12) NEW YORK AVENUE, FROM CARVER STREET TO FAIRGROUNDS ROAD; AND (13) ILLINOIS AVENUE, FROM N STREET TO A STREET; SAID PROJECTS BEING YEARS THREE, FOUR AND FIVE BOND PROJECTS

Robnett point out good time to point out success of road bond. move along impressive pace on time and under budget. cheer road bond. Lacy \$5 M under yr 2 going auth 3, 4 5 deliver ahead of schedule. next year doing 3major recon garfield thomason and A street . some frustration finished product all midlanders will be proud of. thanked all staff for delviering promises to voters. gvt can be trusted to deliver upon plan of action. Robnett approving final 3 years of road bond. Jerry constru on sta 5 had town hall meeting will really be headache but good about organizing and planning.

Love also applauds Lacy for efforts in road bond and thanked staff for wonderful job getting done. However we would not have to have a road bond if council would appropriate enough money for roads.

Council Member Robnett moved to adopt Resolution No. 2019 - 260; seconded by Council Member Lacy.

Love indicative of past and council didn't do it need to do better for roads. 6 years \$600,000 this year 12.1 M for roads. Love need \$25 M

Lacy this year \$120 M on cap imp next year \$50 M on capital projects. Yes we still need to double but looking at 170M in 7 years .

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 approving the issuance of a request for proposals for Post 65 Retiree Medicare Supplement, and/or Medical Advantage Plans for the Administrative Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 262

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR POST-65 RETIREE MEDICARE SUPPLEMENT AND/OR MEDICARE ADVANTAGE PLANS FOR THE ADMINISTRATIVE SERVICES DEPARTMENT

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; seconded by Council Member Lacy.

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

13. Approved a resolution rejecting all bids received for Midland Meter Program 02 for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 263

RESOLUTION REJECTING THE SOLE BID RECEIVED FOR THE MIDLAND METER PROGRAM 02 PROJECT

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; seconded by Council Member Lacy.

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

14. Approved a resolution awarding a contract for shade structures for the baseball fields from Playgrounds Etc, LLC through Buyboard contract 512-16 for \$229,808.00 for the Community Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2019 - 264

RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE AND INSTALLATION OF SHADE STRUCTURES AT REYES-MASHBURN-NELMS PARK, BEAL PARK, AND BUTLER PARK FROM PLAYGROUNDS ETC LLC THROUGH BUYBOARD AT A TOTAL COST OF \$229,808.00

Dustin Johnson, 700 Elm, going to be using money for Beal Park for baseball fields. That facility has to have 10 tournaments a year. Now there is not 10 tournaments a year. Want to ensure spending that much money. To qualify 10 state national, regional or tournaments in a fiscal year.

Laurie this is not hotel/motel appropriated from general fund budget. Robnett it does mention that hotel/motel funds are being used going into the packet. John Ohn reso comign from GF

Council Member Robnett moved to adopt Resolution No. 2019 - 264; seconded by Council Member Lacy.

Robert patrick memo is incorrect staff error.

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 awarding a contract for Temporary Traffic Control Services to West Texas Barricades LLC, dba Barricades Unlimited for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 265

RESOLUTION AWARDING A CONTRACT FOR TEMPORARY TRAFFIC CONTROL SERVICES TO THE SOLE BIDDER, WEST TEXAS BARRICADES LLC DOING BUSINESS AS BARRICADES UNLIMITED OF LUBBOCK, TEXAS, AT A TOTAL COST NOT TO EXCEED \$183,000.00; AND AUTHORIZING PAYMENT THEREFOR

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; seconded by Council Member Lacy.

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

16. Approved a resolution awarding a contract for purchase and installation of a modular restroom facility at Ulmer Park from Restroom Facilities, Ltd through Buyboard contract 512-16 for \$224,254.00 with a contingency allowance of \$20,000.00, for a total amount of \$244,254.00 for the Community Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2019 - 266

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT IN THE AMOUNT OF \$224,254.00 WITH RESTROOM FACILITIES LTD FOR THE PURCHASE AND INSTALLATION OF A MODULAR RESTROOM FACILITY AT ULMER PARK; APPROVING \$20,000.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS THEREFOR

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; seconded by Council Member Lacy.

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

17. Approved a resolution approving the issuance of a request for qualifications for Consulting Services for Hogan and Reyes-Mashburn-Nelms Parks for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 267

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE DEVELOPMENT OF A MASTER PLAN FOR RENOVATIONS TO HOGAN PARK AND REYES-MASHBURN-NELMS PARK FOR THE COMMUNITY SERVICES DEPARTMENT

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; 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.

18. Approved a resolution awarding the project described as PARCS (Parking Access Revenue Control System) Replacement at Midland International Air & Space Port to Scheidt & Bachmann of Lowell, Massachusetts, and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2019 - 268

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH SCHEIDT & BACHMANN USA, INC., IN THE AMOUNT OF \$2,277,382.00 FOR THE PARKING ACCESS REVENUE CONTROL SYSTEM PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS FOR SAID PROJECT

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; seconded by Council Member Lacy.

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

19. Approved a resolution negotiating a rate settlement with ATMOS. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 269

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE EXECUTIVE COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS ("CITIES") AND ATMOS ENERGY CORP., WEST TEXAS DIVISION ("COMPANY") REGARDING COMPANY'S 2019 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS

CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO DELIVER THIS RESOLUTION TO COMPANY AND CITIES' LEGAL COUNSEL

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; 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.

20. Approved a resolution reappointing Tommy Hudson to the Midland Downtown Park Conservancy Board of Directors (COMMUNITY SERVICES)

RESOLUTION NO. 2019 - 270

RESOLUTION REAPPOINTING TOMMY HUDSON TO THE MIDLAND DOWNTOWN PARK CONSERVANCY BOARD OF DIRECTORS; AND DIRECTING THE CITY MANAGER TO DELIVER A COPY OF THIS RESOLUTION TO THE MIDLAND DOWNTOWN PARK CONSERVANCY

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; 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.

21. Approved a resolution authorizing the execution of an Independent Professional Consultant Contract with Frances Stapp to provide curator management and other services to the Scarborough Linebery House (COMMUNITY SERVICES)

RESOLUTION NO. 2019 - 271

RESOLUTION AUTHORIZING THE EXECUTION OF AN INDEPENDENT PROFESSIONAL CONSULTANT AGREEMENT WITH FRANCES STAPP TO PROVIDE CURATOR MANAGEMENT AND OTHER SERVICES FOR THE SCARBOROUGH LINEBERY HOUSE

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; 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.

22. Approved a resolution authorizing the execution of a contract between the City of

Midland, Texas, and Midland Sports, Incorporated, in the amount of \$106,000, for professional marketing, promotion, and management services at the Scharbauer Sports Complex (COMMUNITY SERVICES)

RESOLUTION NO. 2019 - 272

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF MIDLAND AND MIDLAND SPORTS, INC., IN THE AMOUNT OF \$106,000.00, FOR PROFESSIONAL MARKETING, PROMOTION, AND MANAGEMENT SERVICES AT THE SCHARBAUER SPORTS COMPLEX

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; 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. Approved a motion approving a proposed Preliminary Plat of Westridge Park Addition, Section 46 being a plat of 37.65-acre tract of land located in the Section 48, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located at the southeast corner of the intersection of Tradewinds Boulevard and Thomason Drive). (DEVELOPMENT SERVICES)

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; 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.

24. Approved a resolution of the City Council of the City of Midland, Texas, authorizing the execution of an agreement with the owner of a 9.784-acre tract of land out of Section 5, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas (the "Area") (generally located on the south side of West Industrial Avenue, approximately 454 feet east of South Midland Drive) for the provision of services in the Area, said owner having submitted a petition for annexation of the Area; authorizing and directing the City Secretary's Office to file said agreement with the Midland County Clerk for recording in the official real property records of Midland County, Texas; and calling a public hearing to consider an ordinance annexing the Area. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 273

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE OWNER OF A 9.784-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (THE "AREA") (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST INDUSTRIAL AVENUE, APPROXIMATELY 454 FEET EAST OF SOUTH MIDLAND DRIVE) FOR THE PROVISION OF SERVICES IN THE AREA, SAID OWNER HAVING SUBMITTED A PETITION FOR ANNEXATION OF THE AREA; AUTHORIZING AND DIRECTING THE CITY SECRETARY'S OFFICE TO FILE SAID AGREEMENT WITH THE MIDLAND COUNTY CLERK FOR RECORDING IN THE OFFICIAL REAL PROPERTY RECORDS OF MIDLAND COUNTY, TEXAS; AND CALLING A PUBLIC HEARING TO CONSIDER AN ORDINANCE ANNEXING THE AREA

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; 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.

25. Approved a motion on request by Maverick Engineering, to defer water, wastewater, and sidewalk improvements for Monomoy Estates, and to waive the corresponding financial security guarantee valued at \$67,187.00, an amount equal to the estimated cost of construction. The subject property is generally located on the South side of West Industrial Avenue, approximately 1000 feet west of Agri Road, inside the ETJ of the City of Midland. (ENGINEERING SERVICES)

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; 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.

26. Approved a motion on request by Maverick Engineering, to defer water and sidewalk improvements for Oasis Addition, and to waive the corresponding financial security guarantee valued at \$53,062.00, an amount equal to the estimated cost of construction. The subject property is generally located on the South side of West Industrial Avenue, approximately 500 feet west of South County Road 1250, inside the ETJ of the City of Midland. (ENGINEERING SERVICES)

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; 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.

27. Approved a resolution authorizing a Public Improvement Development Agreement with PROFUTT LP in the amount of \$626,181.02 for the construction of water, sewer, and paving improvements on Deauville Boulevard and Arlington Road; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 063 - 2019

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH PROFUTT LP FOR DEVELOPMENT OF AVALON PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS; AND AUTHORIZING PAYMENT THEREFOR IN THE AMOUNT OF \$626,181.02; SAID AGREEMENT BEING AUTHORIZED BY CHAPTER 212, SUBCHAPTER C, TEXAS LOCAL GOVERNMENT CODE

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; seconded by Council Member Lacy.

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

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

28. Approved a resolution to appropriate proceeds from the sealed bid sale of old service weapons and court awarded weapons (POLICE)

RESOLUTION NO. 2019 - 274

RESOLUTION APPROPRIATING PROCEEDS FROM THE SEALED BID SALE OF OLD SERVICE WEAPONS AND COURT AWARDED WEAPONS TO THE POLICE EQUIPMENT AND TECHNOLOGY PROJECT (800820) FOR THE REPLACEMENT OF MIDLAND POLICE DEPARTMENT DUTY WEAPONS

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; 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.

29. Approved a resolution authorizing and executing a Surface Use Agreement between the City of Midland and Endeavor Energy Resources LP, said Surface Use Agreement is for entering the City of Midland's property for oil and gas exploration, development, and production and other necessary related activities; to have the right to ingress and egress at convenient points for such purpose; all facilities are located on City of Midland property, Sections 5 & 8, Block 38, T-2-S, T&P R.R. Co., Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 275

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SURFACE USE AGREEMENT BETWEEN THE CITY OF MIDLAND AND ENDEAVOR ENERGY RESOURCES, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 5 AND 8, BLOCK 38, TOWNSHIP 2 SOUTH, T&P R.R. CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; 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.

30. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Jones Bros. Dirt & Paving Contractors Inc., said Temporary License for Access Across City Property is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing an access road to adjacent Jones Bros. project work, road is located within City of Midland property, Section 5, Block 38, Township 1 South, T&P RR Co. Survey, Martin County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 276

RESOLUTION AUTHORIZING THE EXECUTION OF A TEMPORARY LICENSE FOR ACCESS ACROSS CITY PROPERTY BETWEEN THE CITY OF MIDLAND AND JONES BROS. DIRT & PAVING CONTRACTORS, INC., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 5, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR

CO. SURVEY, MARTIN COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; seconded by Council Member Lacy.

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

SECOND READINGS

31. Consider an ordinance on second reading amending Title III, Departments, Chapter I Water Department of the City Code. (FINANCE) (First reading held on August 27, 2019)

ORDINANCE NO. 2019 - 277

AN ORDINANCE AMENDING TITLE III, "DEPARTMENTS", CHAPTER 1, "WATER DEPARTMENT", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO REGULATE WATER AND SEWER SERVICES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND DIRECTING NOTIFICATION TO CUSTOMERS OUTSIDE THE CITY LIMITS AS REQUIRED BY STATE LAW

Trost comment is Chief Bluemnauer still here. what happend Saturday with memorial stair climb many civilians partc along with fire fighters, police chief, many first responders. thanked chief andd asked to pass that on. Put on heave gear. spectacular event. 9/11 memorial.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9965.

Council Member Love moved to approve the second and final reading of Ordinance No. 9965 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.

32. Consider an ordinance on second reading on a request by Maverick Engineering for a vacation of the .375-acre portion of Pasadena Drive and alley right of way located adjacent to Lot 5, Block 20, and Lot 6, Block 13, Western Hills, Replat of Block 13, and Lot 6C, Block 20, Western Hills, Section 13, City and County of Midland, Texas, (generally located west of Pasadena Drive, approximately 411-feet west of Eisenhower Drive). (DEVELOPMENT SERVICES) (First reading held on August 27, 2019)

ORDINANCE NO. 9965

AN ORDINANCE VACATING AND ABANDONING A 0.375-ACRE PORTION OF PASADENA DRIVE AND ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOT 5, BLOCK 20, AND LOT 6, BLOCK 13, WESTERN HILLS, REPLAT OF BLOCK 13, AND LOT 6C, BLOCK 20, WESTERN HILLS, SECTION 13, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 411 FEET WEST OF THE INTERSECTION OF PASADENA DRIVE AND EISENHOWER DRIVE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$24,503.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9966.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9966 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.

33. Consider an ordinance on a second reading on a request by Landgraf, Crutcher and Associates for a zone change from a PD, Planned District for a Shopping Center to a RR, Regional Retail District on Lot 6D, Block 2, Westridge Park Addition, Section 24, City and County of Midland, Texas. (Generally located on the north side of Westridge Boulevard, approximately 358-feet east of Tradewinds Boulevard. Council District 4) (DEVELOPMENT SERVICES) (First reading held on August 27, 2019)

ORDINANCE NO. 9966

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 6D, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 24, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DISTRICT FOR A SHOPPING CENTER TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WESTRIDGE BOULEVARD, APPROXIMATELY 358 FEET EAST 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. 9967.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9967 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.

34. Consider an ordinance on second reading on a request by Li Chen for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 5,950 square foot portion of Lot 1, Block 8, Polo Park Addition, Section 3, City and County of Midland, Texas, (generally located on the southeast corner of the intersection of Castleford Road and North Garfield Street). (DEVELOPMENT SERVICES) (First reading held August 27, 2019)

ORDINANCE NO. 9967

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 5,950 SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF CASTLEFORD ROAD AND NORTH GARFIELD STREET), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9968.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9968 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.

35. Consider an ordinance on seconding reading on a request by Proffutt Limited Partnership for a Special Exception from the City of Midland's Zoning Ordinance, Section 5.05 - Nonresidential Zoning District Dimensional Regulations Chart, concerning maximum height on a 3.199-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located approximately 815 feet south of State Highway 191 and 1,643-feet west of Avalon Drive.) (DEVELOPMENT SERVICES) (First reading held on August 27, 2019)

ORDINANCE NO. 9968

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 3.199-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 815 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 1,643 FEET WEST OF AVALON DRIVE), BY PERMITTING AN INCREASED MAXIMUM HEIGHT OF A STRUCTURE; 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. 9969.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9969 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

36. Consider an ordinance on second reading on a request by Frank S. Longoria Jr. for a Special Exception from the City of Midland Zoning Ordinance Section 4.09 Accessory Buildings and Uses concerning the maximum square footage of all accessory buildings (combined area), maximum number of accessory buildings, and the exterior façade of accessory buildings on Lot 2, Block 2, Lilly Heights Extension, City and County of

Midland, Texas, (generally located on the south side of Sentinel Avenue, approximately 133 feet west of Alpine Street). (DEVELOPMENT SERVICES) (First reading held on August 27, 2019)

ORDINANCE NO. 9969

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 2, BLOCK 2, LILLY HEIGHTS EXTENSION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF SENTINEL AVENUE, APPROXIMATELY 133 FEET WEST OF ALPINE STREET), BY PERMITTING (1) AN INCREASED MAXIMUM NUMBER OF ACCESSORY BUILDINGS, (2) AN INCREASED MAXIMUM COMBINED AREA OF ALL ACCESSORY BUILDINGS, AND (3) A DEVIATION FROM THE BUILDING FACADE MATERIAL STANDARDS; 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. 9970.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9970 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.

PUBLIC HEARINGS

cph 10:50 a.m.

There being no one else wishing to speak, the public hearing was closed at 10:50 a.m.

cph 10:53 a.m.

37. Hold a public hearing and consider an ordinance on a request by John D. Swallow for a Special Exception from the City of Midland Zoning Ordinance Section 5.04, Residential Zoning District Dimensional Regulations concerning the minimum front yard setback on Lot 8A, Block 2, The Bedford Place, Section 2, City and County of Midland, Texas. (Generally located on the northwest corner of Bedford Drive and North G Street. - Council District 3) (Planning Admin)

ORDINANCE NO. 9970

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 8A, BLOCK 2, THE BEDFORD PLACE, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF BEDFORD DRIVE AND NORTH G STREET), BY PERMITTING A REDUCED MINIMUM 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. 9973.

Development Services Director Chuck Harrington gave a brief overview of the item noting special exemption to reduce setback. to build covered entry extend into required setback. Reviewed by all departments. Planning no hardhsip shown staff has to recommend denail as of 9/4 no loj.

Mayor MOrales oph 10:40 a.m.

Julia Swallow, jack swallow 1400 bedford drive, Julia underggoing renovation addition to west side of house. in 1950s houses built go inside in ac and not go ooutside when go outside entrances are not welcoming and would like to do that. framers arrived earlier then expected based on conversations with steve thorpee cantilevered 5 feet out which is permissible but wouldd like to add two supports and would improve appearance. moving front door to west side as of this morning 5 foot overhang does exist and would like to put supports underneath. Hotchkiss s in district looks fine didn't realize sticking out is where put pole she understand not going two posts down so line of vision should not be a problem. Julia put poles and bricks from home make sure air moves through the side is open to improve the house.

There being no one else wishing to speak, the public hearing was closed at 10:42 a.m.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9973 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

38. Hold a public hearing and consider an ordinance on a request by Opal's Table, LLC for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 6,963 -square foot portion of the west 24.25 feet of Lot 9 and all of Lots 10 through 12, Block 65, Original Town Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of N. Colorado Street and W. Wall Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9973

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 6,963-SQUARE FOOT PORTION OF THE WEST 24.25 FEET OF LOT 9 AND ALL OF LOTS 10 THROUGH 12, BLOCK 65, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST WALL STREET), WHICH IS PRESENTLY ZONED CB, CENTRAL BUSINESS DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION 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. 9974.

Development Services Director Chuck Harrington gave a brief overview of the item noting located central bus dist allows alco with sud this property has existing permit with term issued in 2016 allows hours mon sat 10-2 and sun 9 am 10 p.m. applicant amend to allow alco sales in new expansion locate dinb asement. total 6963 same oeprational hours no schools or churches 300 feet. staff rec approval.

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.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9974 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.

39. Hold a public hearing and consider an ordinance on a request by Texas Tire for a zone change from PD, Planned District for a Shopping Center to an LR- 2, Local Retail District on Lot Plot A, The Village, City and County of Midland, Texas. (Generally located on the north side of West Wall Street, approximately 15 feet east of East Circle Drive.). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9974

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING PLOT A, THE VILLAGE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WALL STREET, APPROXIMATELY 15 FEET EAST OF EAST CIRCLE DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9975.

Development Services Director Chuck Harrington gave a brief overview of the item noting proposing one change from PD sc to Ir2 which is now RR allow outdoor displace of inventory as applicant requested. been approved compleis with comp plan and has issues relative to site they have 3 shipping containers there. complied with city req and rmeoving shipping ocnt used for stor. p7z rev and approved. staff rec approval as of 9/4 no loj. MOrales what kind. chuck storage shipping containers. Love visisted with rep of the applicant. new ownership came got erroneous info as soon as found took immediate steps to correct it previously staff against but now for. Chuck looing for future ex in site of cont.

Mayor MOrales opened the public hearing at 10:48 a.m.

Hotchkiss go back looked horrible thankfull cleaned up, appreciate that new ownership taken respon important aarea for idland as cont to grow and havemre what can you do to make feel comf neat and attractice. Emily OUsley Odessa, here to help with issue. issue with tires fixed pick up more quickly and store elsewhere. inherited those problems and want to be asset to Midland. They care about that too. Shee is on top ofit want to be in compliance and don't want to think of them as an issue. Cris Cieskal been great city still has recourse.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9975 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Love in Hotchkiss distric.t

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

40. Hold a public hearing and consider an ordinance on a request by Roger Gearhart for a Specific Use Designation with term, for the sale of all alcohol beverages, for on-premises consumption, in a bar, on a 6,414 square foot portion of Lot 2, Block 2, Bankhead Addition, Section 6, City and County of Midland, Texas. (Generally located on the west side of South Midkiff Road, approximately 621-feet south of West Wall Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9975

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 6,414-SQUARE FOOT PORTION OF LOT 2, BLOCK 2, BANKHEAD ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH MIDKIFF ROAD, APPROXIMATELY 621 FEET SOUTH OF WEST WALL STREET), WHICH IS PRESENTLY ZONED C, COMMERCIAL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION 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. 9976.

Development Services Director Chuck Harrington gave a brief overview of the item noting requested sup with term alco bev in bar property located 1004 S Midkiff zoned C does allow for sup for this use SUD. Not currently in operation and no SUD. hours 11 to 2 mon sun no churches or schools 300 ft. in compliance with comp plan. p87z rec approval staff rec aapproval subj cond a-f. as of 9/4 no loj.

Love can you exist from back end. chuck backs up to another prop

Mayor Morales opened the public hearing at 10:53 a.m.

Roger Gearhardt 6706 Mosswoof sports bar eelwhoppo old brent motors, build on 2000 sq ft in back of kitch around front patio coveered and hae drop down plastic for cold nights. appreciate considered avail for quest. Morales full menu, roger typical sports bar menu.

There being no one else wishing to speak, the public hearing was closed at 10:53 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9976 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.

41. Hold a public hearing and consider an ordinance on a request by Sanchez Diamond Homes Construction for a zone change from a LI, Light Industrial District to SF-3, Single-Family Dwelling District on Lot 10, Block 122, Southern Addition, City and County of Midland, Texas. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9976

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 10, BLOCK 122, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH TERRELL STREET, APPROXIMATELY 121 FEET SOUTH OF WASHINGTON AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9977.

Development Services Director Chuck Harrington gave a brief overview of the item noting unique sit created when changed zoning when did away with cumulative zoning. working with applicant 505 S Terrel currently vacant int in redevelop and putting in SF house. had sseveral more application seen in next couple meetings and do wholesale changes. Mr Sanchez early on moved forward. researched neighborhood zc req approp area developed as singlle family houses. The plann dept stated working on additional area more changes. rev by all depts no obj. does meet req of comp plan staff rec approval. no loj 9/4.

Mayor Morales opened the public hearing at 10:56 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9977 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.

42. Hold a public hearing and consider an ordinance on a request by Maverick Engineering to vacate a 0.004-acre tract, a 0.019-acre tract, and a 0.019-acre tract of land all out of Section 42, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of Beachwood Street, approximately 131-feet, 871-feet, and 1,066-feet west of Chukar Lane. Council District 2) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9977

AN ORDINANCE VACATING AND ABANDONING A 0.004-ACRE PORTION OF RIGHT-OF-WAY, A 0.019-ACRE PORTION OF RIGHT-OF-WAY, AND A 0.019-ACRE PORTION OF RIGHT-OF-WAY, ALL OUT OF SECTION 42, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BEACHWOOD STREET, APPROXIMATELY 131 FEET, 871 FEET, AND 1,066 FEET WEST OF CHUKAR LANE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$3,659.04; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9978.

Development Services Director Chuck Harrington gave a brief overview of the item noting jsaw before never went through second applicant wanted to tradeoff row. utting in addiiton turnouts asking vacate existing row and make swap for row giving away in monetary value. appraised 3659 \$ of our rwo to completed final phase of qual ridge. staff noo objection rec approval of this vacation of 3 tracts as of 9/4 no loj. Love no math here is the tax payers coing out ahead of the swap. chuk probalby breaking even.

Mayor Morales opened the public hearing at 10:59 a.m.

Andrew Mellen 1909 W Wall avail if questions. same question. andrew even swap. Dufford we want new reow. chuck yes. Andrew moving drives over.

There being no one else wishing to speak, the public hearing was closed at 10:59 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9978 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.

MISCELLANEOUS

43. Consider an ordinance amending Title IV, "Building Regulations", Chapter 1, "Building Code", of the City Code of the City of Midland, Texas, by repealing section 9, "Street Improvement Fee", so as to 9979eliminate the Street Improvement Fee; establishing an effective date of October 1, 2019; containing a cumulative clause; containing a savings and severability clause; and ordering publication (ENGINEERING SERVICES)

ORDINANCE NO. 9978

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 1, "BUILDING CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, BY REPEALING SECTION 9, "STREET IMPROVEMENT FEE", SO AS TO ELIMINATE THE STREET IMPROVEMENT FEE; ESTABLISHING AN EFFECTIVE DATE OF OCTOBER 1, 2019; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

MOrales rco 9979.

Jose Ortiz with implementation of impact fees st law requires this item.

Council Member Love moved approval of the first of two readings of Ordinance No. 9979 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.

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

Council Member Lacy moved to appoin Earl Erdman Scoot Brown appooint Nick McClure to repalce Vicki Hurd on Airport Board; 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.

Love Executive director of MDC don't know if potential conflict with any of these boards in respect to MDC. conflict. John if advisory probalby not.

Mayor continue on next several meetings will continue.

Council Member Lacy moved to reappoint Derrick Whiting, Reed Claybrook and EJ Bladridge to ZBA Airport ZBA; 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 COMMENT

45. 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.)

Pat DeLaGarza, 1210 W NJ Avenue street is crap having alot of truck traffic to drive thru neighborhood. over past 18 mos lines cut by vehicles two times on aug 27 the truck really decided to do something truck and trailer through narrow alley way. barricade 2 blocks away thorough shorter go through alley. destroyed pole and snared up all ine connected on wheels and then left seen. got caught and go lasoed by power liens took down took down 2 poles. in process things snaped like rubberband to their house and

hit neighbors fence. someone could of bene killed. Morales all different trucks. Patricia hope guy was sited should have been arrested for leaving the scene. has to stoop disrupts everybody starting petition. want to see more teeth in ord driving through alleys. can understand truck traffic but not to cut aacross as please. maybe need ot increase fine from \$500 to \$2000. Robnet names of trucking. pat firs two left the scene. spend literally hours and my not have wifi for 2 months. unfair burden food spoiling we have elderly and children. Not fair losing money. Have personal business can't do invoices no wifi. Mayor get code enforcement working with PD. Lacy Chief Herman is aking sure we get patrol. Lacy Chief Herman putting in now. Pat a5&5 had metal and gas lines in neighborhood. Morales try to prevent form coming. Love ina ddition would like traffic engineer Mike Pacell to look to see what is cuasing trucks to come through neighborhood to see if can fix.

Shirley Howard, on behaalf of community ad advocate one cconcern is get many calls. this one located in 700 block of webster however went over in ref ot alley when cost came in talkinga bout behind fence actually the alleys bushes and weeds growing up elderly people they said in pst getting some type of covering and that hasn't been done last 2-3 years. If someone could go out no one got back with them. Saw in palce lawsuit having railing going up steps to the auditorium at MLK understand taken care of appreciate that. Thanked council appreciate all do.

?? Midland Skatebard spoke about drains fixed same day that is fastest gotten anything done thank you. Noticed that tmoney going out of GF anything to put shade or bleachers at park? They do pull intourism and people come in from all over. One of questions is ahde places to sit those things aren't checked off. Robnett fundraisng how going and tlel about paint. Mis communication supposed to meet with parks guy to get paint theyey went out and patched over and collective didd research lots of parks paitned with that paint. third wall collected donated paint went with flat white covers easy. parks people gave thumbs up and looks nice. Everyone out there loves it it rides better. Starttiing to bring community bak out there used to have pentagrams and grafitti turned people away. now more people come back out. Met with KMB signed adopt a spot skate park association adopted are of park will keep in cleaned oon regular basis. fundraising slow for various reasons but started to pick up again. Love encourage to continue to work with City. Bring to our attention we will get it fixed. Guy 6 skateparks well upkept palces for parents spectaors to sit and watch.

adj 11:18 a.m.

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