

**MIDLAND CITY COUNCIL
MINUTES
November 05, 2019**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on November 05, 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., November 05, 2019.

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

Council Members absent: None.

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

City Manager Robert Patrick and Assistant City Manager Morris Williams.

The Agenda Items were heard in the following order:

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

OPENING ITEMS

cto 10:06 a.m.

10:04 a.m.

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

PRESENTATIONS

A. Lacy presented Municipal Court Week.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a proclamation for Municipal Court Week

CONSENT AGENDA

4. Approved a motion approving the following minutes:

Council Member Love moved to approve Consent Agenda items 4 - 21 excluding 6, 8, 12, 17, 19; 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 October 22, 2019.

Council Member Love moved to approve Consent Agenda items 4 - 21 excluding 6, 8, 12, 17, 19; seconded by Council Member Lacy.

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

5. Approved a resolution awarding the contract for Abell Junior High School Pedestrian Crossing to Willis Electric Co. LP for \$190,410.00 plus \$9,590.00 in contingences for a total cost of \$200,000.00 for the Engineering Department. (PURCHASING)

RESOLUTION NO. 2019 - 332
RESOLUTION AWARDING A CONTRACT FOR THE ABELL JUNIOR HIGH SCHOOL

PEDESTRIAN CROSSING PROJECT TO THE SOLE BIDDER, WILLIS ELECTRIC CO., LP OF ABILENE, TEXAS, AT A TOTAL COST OF \$190,410.00; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

Council Member Love moved to approve Consent Agenda items 4 - 21 excluding 6, 8, 12, 17, 19; seconded by Council Member Lacy.

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

6. Approved a resolution ratifying an emergency repair of a 33" water line at Midland Drive and Andrews Highway for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 333

RESOLUTION RATIFYING AND APPROVING THE EMERGENCY REPAIR OF A WATER MAIN BY RED DEER CONSTRUCTION, LLC, FOR A TOTAL COST OF \$59,094.46

Love why waited so long. Carl due to invoices took while. Lacy reimbursed. Calr once approved turn in to them.

Council Member Love moved to adopt Resolution No. 2019 - 333; 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.

7. Approved a resolution awarding the purchase and installation of a ribbon video board for the Security Bank Ballpark to Prismview, LLC for the cost of \$252,917.00 plus \$38,000.00 in contingencies for a project cost of \$290,917.00 for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 334

RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE AND INSTALLATION OF A RIBBON VIDEO BOARD AT SECURITY BANK BALLPARK TO PRISMVIEW, LLC, IN THE AMOUNT OF \$252,917.00; APPROVING \$38,000.00 FOR CONTINGENCIES; AND ALLOCATING FUNDS THEREFOR

Council Member Love moved to approve Consent Agenda items 4 - 21 excluding 6, 8, 12, 17, 19; 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 approving plans and specifications and authorizing advertisement for bids for construction of a new Animal Shelter and demolition of the existing Animal Shelter for the Community Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2019 - 335

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING

ADVERTISEMENT FOR BIDS FOR THE ANIMAL SHELTER DESIGN AND BUILD PROJECT; AND APPROPRIATING FUNDS THEREFOR

Robnett quick update and support for animal shelter. Morales be very vourteous of speakers no clapping rude comments. Leah Lewis here to consider reso adv of req for Prop for cons of new animal shelter if all goes as plan hope to advertise for prop and come back dec 10 to award construction. Leahhopeful to break ground early 2020 pot open summer of 2021. Love support in district 2 needed for a long time thankfor hard work.

Love a lot of emails passionate group he supports. Mayor had appoitned Copuncil member robnett and hotchkiss to wokr with staff they made a 1/4 m inv from donation from private group to look at rehab it did not go well very transparent. point started process several eyars ago to take existing and put on lipstick it did not work get further behind county is grown need is important so thank council for working on project. a lot of time and effort to understand dollars and design. brought in expert from tx tech vet school outsiders in helping us design.

Devin Willis declined. Cheryl Goin 3219 pReston Drive, fostered 2 dogs contracted distemper. People think it origin in shelter took 2 months survived. s econd dog in shelter 2 weeks fought 3 weeks 2 days to keep her alive. never made a sound til early last morning. within few hours blind and seizures. some people discouraged from adopting form shelter parvo and distemper. disinfect have so many dogs come in some dont sho wsigns and sympton dmg already done. was cc respiratory. ventilation system would be invaluable and mkae drastic difference. animals dont have choice. Thak for what done so far and just in case asking begging do not fail animals.

Sierra Strickland, not alot can tell 4408 S. Andres? rescuing animals 2011 majority from animal shelter vet tech 2009 any time over population outbreak of disease. controlling disease 2 component prev and treatment. Shelter will assist community instead of holding cell marinate disaese and illness. bigger then shleter need to confront problems.

Lauren Disney 3202 ?? thak for allowing to be here and all do for city. concern cit adopted dog form animal shelter earlier this year. gift for 9yo daughterstraight aa. unfort went to shelter looking to adopt puppy happened to wlak through and saw coco tore into heart. unfort found out had distemper. took to vet spent hundreds nursing. today weights almost double and fully recovered but form walking thorough building it desperately needs to be rebuild. not a bandaid can put on. thank for usport.

Rumor Ferguson 10214 W CR 54, in support of shelter adopted 2 dogs one with distemper oen without. other one passed away 10 days later. not every dog goes in has distemper. all dogs up to date and one dog malibu came down with distemper. She went completely neurological. Day put down magically stopped Kena dog with her is replacement. not every animal is sick but adopted 5 dogs and 4 distemper passed away. terrible to hold dog while seizing out. Terrible to see dogs in kennels. PRetty new in resccue community dealing with animals since 10. SService dog company want to rescue dogs from Midland animal shelter. Seen Leah cry over people's dogs not people that works there its not not vaccinated animals. growing expanding shelter needs to go with it.

Rhona King 402 Spirng Meadow Court, support of funding for new animal shelter. Jeff

Young cons on overpopulation cannot adopt shelter warehouse kill or rescue oru way out of dog and cat over population. As of 2017 number one cause of dogs and cats is euthenasia. In midland 3600 bnaimls are euth everyr year. That comes down to about 300 animals a month and 15 animals every working day. Picture going into shelter and walking bak to euthenasia room and ddo 14 more times. on avg working day in shelter unacceptable. All know that spay and neuter only way out of horrible situation but cannot enact more alws and practices until have building block of overpoulation which is new animal shelter that meets needs of today not 30 years ago. Funding desperately needed. A lot of support please keep working toward exceptional Midland. Current shelter not sufficient for City size of Midlaand and influx of people living here now. Putting down avg of 300 animals per mont unacceptable. Rescues and foster stay full. Grateful for Leah and staff at shelter, although Tracy not on staff there very special palce in heaven for her. Support shelter.

Karen Patterson 4921 NCR 27 CPA zero background on designing funding shlter volutneered at a few events naiml lover. opposed to new animal shelter dont have neought info to form opinion haven't need needs assessment or feasibility study. Does change include 18,000 sf facility error on side of fiscal conservative. will support whatver decide. research other org to decrease is to have low cost ssplay and neuter. spay and nuetering rates 350 t 675 with 75 voucher doesn't bring down to effective price . pet vet relief has jprivate funding and mobile surgical suite to provide true low cast spay and neutering max 90 out of pocket expense. As researching how to fix problem came across dr pozano and dr moore best practive handobok for animal shelters part of team 20 eyars tried and true method for reducing animal intakes up to aprt then will drastically reduce euthenasia rate while remianing fiscally conservitive. take from reactivee to proactive tried and true method takes guesswork out of process. willing to cometo Midland to bring interested parties to table city county and all rescue gorups and anyone else interested in support to use resoruces for max impact. include rev current shelter operations, prop shelter plans and sicuss additional funding resources. essential part of puzzle although plans devised these were housed iin housing animals humanely. Time is now not after build new sshelter just getting up for failure if do. Servies values at 30,000 practically a hsoein to receive services for free. submit application but they could really help with skills to ensure that 12M and able to runa nd meet obj of less euthenasia. polled many animal shleters designed what love, what would you change. Quorin drama to work with quality plans state of art long lasting materials into design picked a great architect. now 10 years old still look brnad new. ahving quality faacility more drs more volutneers and more quality staff. Most shocked at 12 M as most shelters under 5 M but built several years. ago. Compiled lsit of tings done different some small all costed the money to correct on back end would suggest would mae sure incorporated in initial plan. email lsit of item to review and make sure factored in like make sure get paint color number for toucups or make sure covered. unanimous new building regardless of how large didn't help with overcrowidng. had to put programs in place and other types of assistance to keep animals with owners. Pelading to reach out to dr pazano to ask please help committed to new animal shelter help make final step. Dufford think great also need to takke into account thaat predict oveer course next 30 eyars 450,000 pelpel that being case you can imagine how many more naimls. MORales did great reserach why vets wouldn't understand what you are talkinga bout. If such a successful program they would have brought this informaiton in. Pelase emial all info. Hotchkiss would like to meet with you talk why don't do and have spencer in as well. Lacy 18,000 sf build for next 50 years. not sq footage but allocated correcly 80 kennels but community cat program don'tt have to house can instead do low cost spay and

neuteering.

Leah neutering program. voucher program in place eligible for 70 voucher to put toward cost.

Kierra stirckland 4408 N andrews, midland and odessa is different work with vets all over us none of them see distemper and parvo like west texas to sepak from ooutside looking in doesn't understand. if that eassy it would be done.

Keith Dial 16 Rickly Lane Odessa, one thing eleciton day some rolling off of Council wanted to tell you many know how hard worked on this project diligence satate of art city need state of the art facility. thak for all forward looking projects happened in recent years. Miss you and thaks for taking care of Midland.

Tracy Garheart 6706 Mosswood, frustraated her when trying to educate community on what is going on everybody has opinion welccome ideas and opinions but if never been to shelter dont bring ideas. spend 2 weeks watching dogs ddie or assesing dogs to get out then can sit down and talk but main reason wanted to speak is person being lost in here is leah Lewis. KNow things aobut her all good seen work aat shelter and don't know is this woman has worked in shelteers since out of scollege degree in aniaml behaivorr tuaght her so mcuh. worked at shelter in grand prarier she knows she she is doingl built new shelter in seguin. She has a lot of knowledge she knows shelters and problems with this shelter. Always go to for advice before anybody else. West Tx is different blessed to have Leah need to give dogs and cats shelters they deserve as of end of Septmeber 745 more than same time last year. Nov and Dec horrible because holidays. Trust Leah 100% when comes to deciding what shelter needs. Dfuford encourag eeverybody in room to rescue a dog or 2. Ove one step further and say had to ffollow in predecessor foosteps not an easy job thanked Leah applause form audience.

Council Member Robnett moved to adopt Resolution No. 2019 - 335; seconded by Council Member Lacy.

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

9. Approved a resolution approving the purchase of seventy (70) Bunker Coats and seventy (70) Bunker Pants from Dooley Tackaberry, Inc. through Buyboard contract 524-17 for the cost of \$192,556.70 for the Fire Department. (PURCHASING)

RESOLUTION NO. 2019 - 336

RESOLUTION APPROVING THE PURCHASE OF SEVENTY (70) BUNKER COATS AND SEVENTY (70) BUNKER PANTS FROM DOOLEY TACKABERRY, INC., AT A TOTAL COST OF \$192,556.70 THROUGH BUYBOARD

Council Member Love moved to approve Consent Agenda items 4 - 21 excluding 6, 8, 12, 17, 19; seconded by Council Member Lacy.

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

10. Approved a resolution approving the sole source purchase of MSA Self Contained Breathing Apparatus (SCBA) for a total cost of \$111,144.00 for the Fire Department. (PURCHASING)

RESOLUTION NO. 2019 - 337

RESOLUTION AUTHORIZING THE SOLE-SOURCE PURCHASE OF TWENTY-TWO (22) MSA SELF CONTAINED BREATHING APPARATUSES FOR THE FIRE DEPARTMENT FROM CASCO INDUSTRIES, INC., FOR A TOTAL COST OF \$111,144.00

Council Member Love moved to approve Consent Agenda items 4 - 21 excluding 6, 8, 12, 17, 19; seconded by Council Member Lacy.

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

11. Approved a resolution authorizing the execution of Amendment #12 to Parkhill, Smith & Cooper's Professional Services Agreement, and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2019 - 338

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER TWELVE TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., FOR PROFESSIONAL ENGINEERING SERVICES AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT AND MIDLAND AIRPARK SO AS TO INCLUDE THE MAF AIR CARGO ROAD RECONSTRUCTION PROJECT; AND APPROPRIATING FUNDS THEREFOR

Council Member Love moved to approve Consent Agenda items 4 - 21 excluding 6, 8, 12, 17, 19; seconded by Council Member Lacy.

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

12. Approved a motion authorizing the appropriation of \$318,925.00 from the Airport Operating Fund (500) Unappropriated Fund Balance (35650) to the following projects in the following amounts: SpacePort Business Park Environmental Project at Midland International Air & Space Port in the amount of \$243,925.00; and Land Release Project at Executive Airpark in the amount of \$75,000.00. (AIRPORTS)

Robnett wondering what \$75,000 landlease going for and where project sits existed for land releases. Justine FAA requested a lot of info audit in 1984 don't have all answers need to go back and research history of release since beginning. Robnett how long release existed airpark and how through red tape. Justine finished with TXDOT at year since started with TxDOT FAA new policies one may speed up whole process. Maybe next year hopeful to release. Robnett environmental and clean up spent up to date and only reason had remediate plume because of spaceport or part of plan. Justine didn't know about plume business park prompted remediation. this will add another 243000 all out of airport operating.

Council Member Love moved to approve Approved a motion authorizing the

appropriation of \$318,925.00 from the Airport Operating Fund (500) Unappropriated Fund Balance (35650) to the following projects in the following amounts: SpacePort Business Park Environmental Project at Midland International Air & Space Port in the amount of \$243,925.00; and Land Release Project at Executive Airpark in the amount of \$75,000.00.; 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.

13. Approved a resolution approving the 2020 City Council Meeting Dates. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 339

RESOLUTION ESTABLISHING THE DATES OF THE REGULAR CITY COUNCIL MEETINGS TO BE HELD DURING THE CALENDAR YEAR 2020

Council Member Love moved to approve Consent Agenda items 4 - 21 excluding 6, 8, 12, 17, 19; seconded by Council Member Lacy.

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

14. Approved a resolution approving cooperation with other cities served by Atmos West Texas. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 340

RESOLUTION OF THE CITY OF MIDLAND APPROVING COOPERATION WITH CITIES SERVED BY ATMOS WEST TEXAS ("CITIES") TO REVIEW ATMOS ENERGY CORP., WEST TEXAS DIVISION'S REQUESTED RATE CHANGE; HIRING LEGAL AND CONSULTING SERVICES TO NEGOTIATE WITH SAID COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF RATE CASE EXPENSES; AUTHORIZING INTERVENTION IN ANY RATEMAKING PROCEEDING AT THE RAILROAD COMMISSION THAT RELATES TO SAID COMPANY'S FILING; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO DELIVER THIS RESOLUTION TO SAID COMPANY AND CITIES' LEGAL COUNSEL

Council Member Love moved to approve Consent Agenda items 4 - 21 excluding 6, 8, 12, 17, 19; seconded by Council Member Lacy.

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

15. Approved a resolution of the City Council of the City of Midland, Texas, authorizing the execution of an agreement with the owner of a 64.52-acre tract of land out of Section 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (the "Area") (generally located approximately 733-feet west of the intersection of Tradewinds Boulevard and Thomason 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 - 341

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE OWNER OF A 64.52-ACRE TRACT OF LAND OUT OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (THE "AREA") (GENERALLY LOCATED APPROXIMATELY 733 FEET WEST OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON 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 4 - 21 excluding 6, 8, 12, 17, 19; 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 motion approving a proposed Preliminary Plat of MMP Midland Terminal, Section 1, being a plat of a 39-acre tract-of-land out of Section 46, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas, (generally located on the east side of South County Road 1140, approximately 1,837 feet south of East Interstate 20 - Extraterritorial Jurisdiction). (DEVELOPMENT SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 21 excluding 6, 8, 12, 17, 19; 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 motion authorizing the City to reassign Midland Country Club's address from 6101 North State Highway 349 to One Wildcatter Way. (DEVELOPMENT SERVICES)

Lacy ridicu have to go to this level to change address. absurd.

Council Member Lacy moved to approve Approved a motion authorizing the City to reassign Midland Country Club's address from 6101 North State Highway 349 to One Wildcatter Way.; 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.

18. Approved a resolution allocating the sum of \$600,000.00 from the operating budget of the Traffic Division (001083) of the Engineering Department in the General Fund to the Downtown Intersections Updates Project (900291). (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 342

RESOLUTION ALLOCATING THE SUM OF \$600,000.00 FROM THE OPERATING BUDGET OF THE TRAFFIC DIVISION (001083) OF THE ENGINEERING DEPARTMENT IN THE GENERAL FUND TO THE DOWNTOWN INTERSECTIONS UPDATES PROJECT (900291)

Council Member Love moved to approve Consent Agenda items 4 - 21 excluding 6, 8, 12, 17, 19; 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 authorizing the City Manager to allocate funds in an amount not to exceed \$1.5M to Midland County for reconstruction of Fairgrounds Road in accordance with the City – County Interlocal Cooperation Contract, dated November 12, 2013. The limits are from Garden City Hwy (SH 140) to Front Street (BI 20). (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 343

RESOLUTION AUTHORIZING MIDLAND COUNTY, TEXAS TO PERFORM PAVING SERVICES ON FAIRGROUNDS ROAD, FROM GARDEN CITY HIGHWAY (STATE HIGHWAY 140) TO FRONT STREET (BUSINESS INTERSTATE 20) (THE "PAVING WORK"), IN ACCORDANCE WITH THE CITY - COUNTY INTERLOCAL COOPERATION CONTRACT AUTHORIZED BY RESOLUTION NO. 2013-401; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT TO MIDLAND COUNTY IN THE AMOUNT OF ONE-THIRD OF THE COST OF THE PAVING WORK; PROVIDED, HOWEVER, THAT THE CITY'S PAYMENT SHALL NOT TO EXCEED \$1,500,000.00

Robnett talked about for long time existed going forward asked to show summary of project and and chance to highlight city and county working together. Jose Ortiz long process discussing how to address fairgrounds in need of repair for 5 years does come in and out of city special how to handle. did come to agreement with county. different is hazardous truck route do need stronger section had to go through design work as well county and city have agreed. Robnett does not include apron north of rr. Jose another state project that addresses that. Jose our limits just short of that project. should hold up to loads. Mayor address across. Jose does include some drainage. all in Midland County except small portion Martin. Lacy worked with judge Johnson issuing rfp this month construction start in January this is another example of long term plans for roads. Love right at intersection fairgrounds and clverdale as bandaid started putting in concrete blocks because of heavy truck damage there and south. redo road but intersection might still need that is that addressed. Jose the portion is in county and will see if it can be addressed as well as drainage. Love how do we not needing future row and can obtain major truck route needs to be expanded. Jose this maintain project only not seeking row long term yes will need to seek but for this project maintenance only. Love that God happening with drainage at garden city highway. Jose thorough mpo can look at corridor to see what looks like in next 10-20 years. Lacy reason cost effective is county want to make sure appropriate enough to cover bids.

first ex of city county in long time jr.

Council Member Love moved to adopt Resolution No. 2019 - 343; 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 accepting funds in the amount of \$43,249.65 from the Emergency Law Enforcement Assistance Grant Program. (POLICE)

RESOLUTION NO. 2019 - 344

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$43,249.65 FROM THE EL-EMERGENCY LAW ENFORCEMENT ASSISTANCE GRANT PROGRAM; PROVIDING THAT SAID GRANT SHALL BE USED TO REIMBURSE THE POLICE DEPARTMENT AND FIRE DEPARTMENT FOR OVERTIME, VEHICLE DAMAGE, AND SUPPLY COSTS ASSOCIATED WITH THE ACTIVE-SHOOTER EVENT ON AUGUST 31, 2019; AND AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS

Council Member Love moved to approve Consent Agenda items 4 - 21 excluding 6, 8, 12, 17, 19; 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 renewal of an Operating Certificate for Silver Star Senior Transportation, LLC. (POLICE)

RESOLUTION NO. 2019 - 345

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR SILVER STAR SENIOR TRANSPORTATION, LLC, TO OPERATE A TAXICAB BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

Council Member Love moved to approve Consent Agenda items 4 - 21 excluding 6, 8, 12, 17, 19; 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

22. Consider an ordinance on second reading on a request by Terramark, LP for the initial zoning of a 9.784-acre tract of land located in Section 5, Block 39, T-2-S, T&P RR. Survey Co. Midland County, Texas. (Generally located on the south side of West Industrial Avenue, approximately 454-feet east of South Midland Drive.) (DEVELOPMENT SERVICES) (First reading held on October 22, 2019)

ORDINANCE NO. 10001

AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 9.784-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN HI, HEAVY INDUSTRIAL DISTRICT; SAID TRACT BEING GENERALLY LOCATED ON THE SOUTH SIDE OF WEST INDUSTRIAL AVENUE, APPROXIMATELY 454 FEET

EAST OF SOUTH MIDLAND DRIVE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10001.

Council Member Love moved to approve the second and final reading of Ordinance No. 10001 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

23. Consider an ordinance on second reading on a request by Vine Pizza, LLC, for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption in a restaurant, on a 5,800 - square foot portion of Block 1, less the 250 x 150 NW corner and less the 224 x 150 SW corner, re-plat of Block 1 and 2, Imperial Heights Addition, City and County of Midland, Texas, (generally located on the south side of West Wadley Avenue, approximately 310 feet east of North Midkiff Road). (DEVELOPMENT SERVICES) (First reading held on October 22, 2019)

ORDINANCE NO. 10002

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 5,800-SQUARE FOOT PORTION OF BLOCK 1, LESS THE 250-FOOT BY 150-FOOT NORTHWEST CORNER AND LESS THE 224-FOOT BY 150-FOOT SOUTHWEST CORNER, REPLAT OF BLOCKS 1 AND 2, IMPERIAL HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON SOUTH SIDE OF WEST WADLEY AVENUE APPROXIMATELY 310 FEET EAST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL 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. 10002.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 10002 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.

24. Consider an ordinance on second reading on a request by Brian Levy dba Fat Bird, LLC, for a Specific Use Designation with Term for the sale of all alcoholic beverages, for

on premises consumption in a restaurant, on a 2,400 - square foot portion of Lot 5A, Block 1A, Midkiff Plaza, Section 16, City and County of Midland, Texas, (generally located on the south side of Courtyard Drive, approximately 865 feet east of North Midkiff Road). (DEVELOPMENT SERVICES) (First reading held on October 22, 2019)

ORDINANCE NO. 10003

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,400-SQUARE FOOT PORTION OF LOT 5A, BLOCK 1A, MIDKIFF PLAZA, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF COURTYARD DRIVE, APPROXIMATELY 865 FEET EAST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER, 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. 10003.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 10003 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

25. Consider an ordinance on second reading on a request by Gonzalo Ornelas, for a zone change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, on Lots 3 and 11, Block 63, Park Avenue Heights, Section 2, City and County of Midland, Texas, (generally located on the west side of Bunche Street, approximately 114 feet south of East California Avenue, and on the northeast corner of the intersection of South Madison Street and Cloverdale Road). (DEVELOPMENT SERVICES) (First reading approved on October 22, 2019)

ORDINANCE NO. 10004

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 3 AND 11, BLOCK 63, PARK AVENUE HEIGHTS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF BUNCHE STREET, APPROXIMATELY 114 FEET SOUTH OF EAST CALIFORNIA AVENUE, AND AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH MADISON STREET AND CLOVERDALE ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10004.

Council Member Love moved to approve the second and final reading of Ordinance No. 10004 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.

26. Consider an ordinance on second reading on a request by Danny Harris for a zone change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, on Lot 23, Block 56, Park Avenue Heights, City and County of Midland, Texas, (generally located on the north side of East Pennsylvania Avenue, approximately 216 feet east of South Lamesa Road). (DEVELOPMENT SERVICES) (First reading held on October 22, 2019)

ORDINANCE NO. 10005

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 23, BLOCK 56, PARK AVENUE HEIGHTS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF EAST PENNSYLVANIA AVENUE, APPROXIMATELY 216 FEET EAST OF SOUTH LAMESA ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10005.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 10005 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, Morales, Dufford, Lacy. NAY: None. ABSTAIN: Love. ABSENT: Robnett.

27. Consider an ordinance on second reading on a request by Danny Harris for a zone change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, on Lot 2, Block 63, Park Avenue Heights, Section 2, City and County of Midland, Texas, (generally located on the west side of Bunche Street, approximately 56-feet south of East California Avenue). (DEVELOPMENT SERVICES) (First reading held on October 22, 2019)

ORDINANCE NO. 10006

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2, BLOCK 63, PARK AVENUE HEIGHTS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF BUNCHE STREET, APPROXIMATELY 56 FEET SOUTH OF EAST CALIFORNIA 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. 10006.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 10006 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, Morales, Dufford, Lacy. NAY: None. ABSTAIN: Love. ABSENT: Robnett.

28. Consider an ordinance on second reading on a request by Jesus Jurado, for a zone change from C, Commercial District, to SF-3, Single Family Dwelling District, on Lots 11-13, Block 118, Southern Addition, City and County of Midland, Texas, (generally located on the north side of East New York Avenue, approximately 164 feet east of South Baird Street). (DEVELOPMENT SERVICES) (First reading held on October 22, 2019)

ORDINANCE NO. 10007

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 11 THROUGH 13, BLOCK 118, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF EAST NEW YORK AVENUE, APPROXIMATELY 164 FEET EAST OF SOUTH BAIRD STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10007.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 10007 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.

29. Consider an ordinance on a second reading on a request by Scott A. Mommer for a Zone Change from a PD, Planned District for a Shopping Center to an Amended PD, Planned Development District for a Shopping Center on Lot 6, Block 45, Fairmont Park, Section 15, City and County of Midland, Texas. (Generally located approximately 809-feet south of West Loop 250 North and approximately 643-feet west of North Midland Drive. Council District 1) (DEVELOPMENT SERVICES) (First reading held on October 22, 2019)

ORDINANCE NO. 10008

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 6, BLOCK 45, FAIRMONT PARK, SECTION 15, CITY

AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED APPROXIMATELY 809 FEET SOUTH OF WEST LOOP 250 NORTH AND APPROXIMATELY 643 FEET WEST OF NORTH MIDLAND DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10008.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 10008 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

30. Consider an ordinance on second reading on a request by Jose Mendez for a zone change from a C, Commercial District to SF-3, Single-Family Dwelling District on Lot 2, Block 28, Greenwood Addition Third, Fourth, and Fifth Sections, City and County of Midland, Texas, (generally located on the west side of South Stonewall Street, approximately 50-feet south of East New York Avenue). (DEVELOPMENT SERVICES) (First reading held on October 22, 2019)

ORDINANCE NO. 10009

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2, BLOCK 28, GREENWOOD ADDITION, THIRD, FOURTH AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH STONEWALL STREET, APPROXIMATELY 50 FEET SOUTH OF EAST NEW YORK 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. 10009.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 10009 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.

31. Consider an ordinance on second reading on a request by Weldon Carter for a zone change from a MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 5, Block 23, Greenwood Addition, Third, Fourth and Fifth Sections, City and County of Midland, Texas, (generally located on the east side of South Benton Street, approximately 60-feet north of East New York Avenue). (DEVELOPMENT

SERVICES) (First reading held on October 22, 2019)

ORDINANCE NO. 10010

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 5, BLOCK 23, GREENWOOD ADDITION, THIRD, FOURTH AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH BENTON STREET, APPROXIMATELY 60 FEET NORTH OF EAST NEW YORK 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. 10010.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 10010 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: Love. ABSENT: None.

32. Consider an ordinance on second reading on a request by Weldon Carter for a zone change from a MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lots 5 and 6, Block 12, Greenwood Addition, Third, Fourth and Fifth Sections, City and County of Midland, Texas, (generally located on the northwest corner of the intersection of South Webster Street and Washington Avenue). (DEVELOPMENT SERVICES) (First reading held on October 22, 2019)

ORDINANCE NO. 10011

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 5 AND 6, BLOCK 12, GREENWOOD ADDITION, THIRD, FOURTH AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH WEBSTER STREET AND EAST 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. 10011.

Council Member Trost moved to approve the second and final reading of Ordinance No. 10011 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: Love. ABSENT: None.

33. Consider an ordinance on second reading on a request by Weldon Carter for a zone change from RR, Regional Retail District to SF-3, Single-Family Dwelling District on Lots

1 and 2, Block 7, Greenwood Addition, Second Section, City and County of Midland, Texas, (generally located on the southwest corner of the intersection of Indiana Avenue and South Webster Street). (DEVELOPMENT SERVICES) (First reading held on October 22, 2019)

ORDINANCE NO. 10012

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1 AND 2, BLOCK 7, GREENWOOD ADDITION, SECOND SECTION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST INDIANA AVENUE AND SOUTH WEBSTER STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10012.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 10012 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: Love. ABSENT: None.

34. Consider an ordinance on second reading on a request by City of Midland for a zone change from a RR, Regional Retail District and C, Commercial District to SF-3, Single-Family Dwelling District on Lots 1, 2 and 4, Block 137, Southern Addition, City and County of Midland, Texas, (generally located on the southwest corner of the intersection of South Lamesa Road and East New York Avenue and on the west side of South Lamesa Road, approximately 216-feet south of East New York Avenue). (DEVELOPMENT SERVICES) (First reading held on October 22, 2019)

ORDINANCE NO. 10013

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1, 2 AND 4, BLOCK 137, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT, IN PART, AND C, COMMERCIAL DISTRICT, IN PART, TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SOUTH LAMESA ROAD AND EAST NEW YORK AVENUE, AND ON THE WEST SIDE OF SOUTH LAMESA ROAD APPROXIMATELY 216 FEET SOUTH OF EAST NEW YORK 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. 10013.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 10013 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

35. Consider an ordinance on second reading on a request by Mike Massey to vacate a 0.14-acre tract, 0.07-acre tract and a 0.20-acre tract of land all out of Section 26, Block 39, T-1-S, T&P RR. Co. Survey, City and County of Midland, Texas. (Generally located approximately 227-feet, 425-feet, and 585-feet east of North 'A' Street, approximately 218-feet, 166-feet and 166-feet north of Douglas Avenue respectively). (DEVELOPMENT SERVICES) (First reading held on October 22, 2019)

ORDINANCE NO. 10014

AN ORDINANCE VACATING AND ABANDONING A 0.14-ACRE PORTION OF CLUB DRIVE RIGHT-OF-WAY, A 0.07-ACRE PORTION OF ALLEY RIGHT-OF-WAY, AND A 0.20-ACRE PORTION OF RIDGLEA DRIVE RIGHT-OF-WAY, ALL OUT OF SECTION 26, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 227 FEET, 425 FEET AND 585 FEET EAST OF NORTH A STREET, AND APPROXIMATELY 218 FEET, 166 FEET AND 166 FEET NORTH OF DOUGLAS AVENUE, RESPECTIVELY); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$31,199.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10014.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 10014 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

PUBLIC HEARINGS

36. Hold a public hearing and consider an ordinance on a request by Ryan Tomblin for the vacation of the 0.06-acre portion of Scharbauer Drive right-of-way, located adjacent to Lot 1, Windsor Place, City and County of Midland, Texas, (generally located on the northeast corner of the intersection of North I Street and West Scharbauer Drive). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10015

AN ORDINANCE VACATING AND ABANDONING A 0.06-ACRE PORTION OF SCHARBAUER DRIVE RIGHT-OF-WAY LOCATED ADJACENT TO LOT 1, WINDSOR PLACE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH I STREET AND WEST SCHARBAUER DRIVE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$6,534.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10015 (mayor jumped to PH)

Chuck Harrington vacation of Scahrber drive two to inc driveway bakcyard uses into his proeprty. appraisal value 6534. rev by all depts and utilities with no obj. staff rec approvaal subj to cond a and b.

Mayor MORales oph 10:56 a.m. cph

Council Member Lacy moved approval of the first of two readings of Ordinance No. 10015 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.

37. Hold a public hearing regarding the proposed granting of oil and gas well permits to Endeavor Energy Resources, L.P. for the drilling of oil and gas wells, being Elkins Atrelle 31-42 #212 located 2,179 feet from the north line and 1,153 feet from the east line, Elkins Atrelle 31-42 #114 located 2,179 feet from the north line and 1,203 feet from the east line, Elkins Atrelle 31-42 #221 located 2,179 feet from the north line and 1,228 feet from the east line and Elkins Atrelle 31-42 #223 located 2,180 feet from the north line and 1,278 feet from the east line, Section 31, Block 38, T-1-S, T&P RR. CO. Survey, City and County of Midland, Texas, (said wells are generally located between 850 and 851 feet south of East Cynthia Drive extension and between 1,153 and 1,278 feet west of Todd Drive) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting endeavor energy well permits in same area 140 acres two well pads this well pad four wells one correccion in noted said sound wall not this one done sound studies on both this is aksing 4 variances landscape irrigation isntead of trees on apd aorund Todd Road which makes sense. Req var perm fence around all 4 var hours 24 hour, and thing is variance for 2 wells use and compressiona gas operations to minimize nosie. sound study ord does not allow compaessors if do have to come to coucnil difference is not diesel electrical much quieter something new havne't seen. putting sound wall on south end even though quiter then ambient nosie to closest houses. 2 wells gas lift system. Dufford any complaint sabout nosie out there. ron no. Mayor briefing new technology do a video and other quiet one to brief council.

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

Alex bedford rep end cph 11:01 a.m.

38. Hold a public hearing regarding the proposed granting of oil and gas well permits to Endeavor Energy Resources, L.P. for the drilling of oil and gas wells, being Elkins Atrelle 31-42 #132 located 1,837 feet from the north line and 1,675 feet from the east line, Elkins Atrelle 31-42 #233 located 1,837 feet from the north line and 1,700 feet from the east line and Elkins Atrelle 31-42 #244 located 1,839 feet from the north line and 1,775 feet from the east line, Section 31, Block 38, T-1-S, T&P RR. CO. Survey, City and County of Midland, Texas, (said wells are generally located between 514 and 516 feet south of East Cynthia Drive extension and between 1,675 and 1,775 feet west of Todd Drive) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting same type variance not compaessor sound wall during ocmpletion process 400 fet long 20 feet tall did sound study electric.

Love Cythia future expansion of Wadley to east make sure endeavor owns property abuts sto property make sure that we procure necessary row or anything else need. Jose do know staff reviewed application not formally seeking row the radius meets needs for future.

Jose to rons credit does great job of notifying in jeopardy of losing orutes.

oph 11:03 a.m. cph

39. Hold a public hearing and consider an ordinance on a request by Landgraf, Crutcher and Associates for a zone change from a PD, Planned District for a Housing Development, in part; and 2F-Two-Family Dwelling District, in part; to SF-3, Single-Family Dwelling District, on a 22.75-acre tract of land out of Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, (generally located on the southeast corner of the intersection of Passage Way and North Midkiff Road). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10016

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 22.75-ACRE TRACT OF LAND OUT OF SECTION 9, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT, IN PART, AND 2F, TWO-FAMILY DWELLING DISTRICT, IN PART, TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF PASSAGE WAY AND NORTH MIDKIFF ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10016.

Development Services Director Chuck Harrington gave a brief overview of the item noting request lca on behalf of client req approval zone change for FD unplntted sketch phase of platting if approved will meet all standards of SF3. rev by all approp deepts and unanimously in favor with few comments. req approved by p7z 10/21 and therefore staff rec approval subj to cond A. as of 10/3 no loj.

Mayor Morales opened the public hearing at 11:05 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. 10016 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.

40. Hold a public hearing and consider an ordinance on a request by Don Clay for a zone change from a LI, Light Industrial District to SF-3, Single-Family Dwelling District on Lots 1 and 2, Block 6, Moody Addition, City and County of Midland, Texas, (generally located on the southwest corner of the intersection of Houston Avenue and North Lee Street). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10017

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1 AND 2, BLOCK 6, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF HOUSTON AVENUE AND NORTH LEE STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10017

Harrington sf residential houses on lots. odd zoning cuahgt up 411 N Tyler does not have address. reasearch surrounding neighborhood rec approval rev by all city depts unaniam approved 10/21 p7z. staff rec approval. no loj.

Love Mr. Clay and son ahve been building home sin Midland over 20-25 years excellent job.

Mayor Morales opened the public hearing at 11:07 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 10017 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 Brian Yates for a Special Exception from the City of Midland Zoning Ordinance Section 4.09, Accessory Buildings and Uses, concerning the minimum side yard and rear yard setbacks, and the minimum separation from the principal building, on the east 7.3 feet of Lot 15, all of Lot 16, and the west 68 feet of Lot 17, Block 3, McCall Place, City and County of Midland, Texas, (generally located on the north side of Sentinel Dr., approximately 173 feet west from Ward Street). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10018

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE EAST 7.3 FEET OF LOT 15, ALL OF LOT 16, AND THE WEST 68 FEET OF LOT 17, BLOCK 3, MCCALL PLACE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF SENTINEL DRIVE, APPROXIMATELY 173 FEET WEST OF WARD STREET), BY PERMITTING (1) REDUCED SIDE YARD AND REAR YARD

SETBACKS FOR AN ACCESSORY BUILDING AND (2) A REDUCED MINIMUM SEPARATION OF AN ACCESSORY BUILDING FROM THE PRINCIPAL BUILDING; 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. 10018.

Development Services Director Chuck Harrington gave a brief overview of the item noting special exception to deal with side yard setback and building separation 1309 sq accessory bldg 3 feet from side property line normally 5 feet. min setback from principal building 7 ft 7 inch prop. staff reviewed and all departments review recommended denial no hardship indicated. Love is that only reason recommending denial. chuck start from that perspective.

Mayor Morales opened the public hearing at 11:09 a.m.

Brian Yates 2804 Sentinel Drive, Robnett garage west side of house. all cement garage entered from street not alley. All cinderblock in rear. flush with cinderblock wall. Lacy nothing out of order for neighborhood. love gate on alley. Brian yes cinder block across. Hotchkiss visited with Mr. Yates he is going to finish with same materials as house work there just totally family centered in an attempt to keep cars off road.

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

Trost no objection. Chuck none.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 10018 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.

42. Hold a public hearing and consider an ordinance on a request by Karen Pinard for a Zone Change from TP, Technology Park District to MF-22, Multiple-Family Dwelling District on a 13.620-acre tract of land out of Section 3, Block 39, T-2-S, T&P R.R. Co. Survey, City and County of Midland, Texas, (generally located on the northwest corner of the intersection of South 'K' Street and East Stokes Avenue). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10019

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 13.620-ACRE TRACT OF LAND OUT OF SECTION 3, BLOCK 39, T-2-S, T&P R.R. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM TP, TECHNOLOGY PARK DISTRICT TO MF-22, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH K STREET AND EAST STOKES 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. 10019.

Development Services Director Chuck Harrington gave a brief overview of the item noting proposing zone change tech park to multi family dwelling for dev of another palladium proj. previous proj off lamesa. pruch 13.62 acre tract and prop to put on this ubilding 240 units approx 17.62 units per acre. staff reviewed. different depts found nor eason in compl with comp plana. p7z rec approval 10/21. staff rec approval. one loj. Love last council stated how wonderful best apt complex no doubt this one better.

Mayor Morales opened the public hearing at 11:14 a.m.

Byron Fender, W MONTgomery?? went by palladium one entrance and exit only. dont think that palladium is one of nices in town. don't think anything worse then apt complex going into neighborhood. Gentleman prop talking about walmart, starbucks see a lot of foot and car traffic. spoke with Mike Pacelli about where future streets go in. first meeting only notice at montgomery and K so really no one could see it. Talked with Mike Pacelli about palcing one up on Francis which apts main entrance and putting private entrance along that road. never a notice palced on Francis between last meeting and this meeting. Miek apcelli and matt car great trying to bring up some . find odd entrance to project on w francis that notice 200 foot notice wasn't taken into affect then would get more neighbors to north. never a noticee placed on W. Francis, traffic congrestion mainly until get some other infrastructure. Two parcels of land where francis connected is up on rezoning two parcels that go just shows squire but now shwoing another two parcels on west end are considered with proeprty. Seems like should have been sent out with notice. If W. Stokes was taken to Johnson and Johnson to Wollcot and mainentrance on this the only street out of Rankin is Montgomery traffic come here already congested up on Garfield and Francis now because of traffic. fixing to shut down Midkiff traffic. Not opposed just some othe things.

Love do you live in area - no 11 commercial properties on montogmer good francis.

Charles hammon 1606 W Francis, like Mr. Fender wouldn't hae know it was going on only noticed one time next time gone enver anything on Francis ever since Garfield extended made traffic triple quadruple if main entrance don't want apt complex right now see back of petroleum juseum don't want apt complex. wish more of neighbor swould come everyone talked to opposed. thinka cuase a lot more people and a lot more traffic. When took Francis through to Big Spring didn't oppose it. That didn't help. n ow apt ocmplex with main entrance in front of house don't want it. Love show ehre live on map. across street to north and east.

Scott Johnson 2813 Meadowbrook Plano Tx with developer, want to reiterate aobut ocmpany and efforts once again a privately held company 130 years in existance do nothing but multi family. Long term holders of all of our assets chose to develop when appropriate. own in house management which is veyr important to them, very strong blance sheet 1.5 B on record and will be second devleopment in Midland. This dev will be better than last one and last one excellent 100% occupied take last dev and improve upon. understand traffic and growth wouldn't be at this location if didn't htink benefit to midland.

There being no one else wishing to speak, the public hearing was closed at 11:23 a.m.

Chuck placement of signs is property where apartments go access is on Francis zoning itself is further down. placement of sign not sure try to place adjacent to closest roadway to property which is out on Kansas. as to transportation issues one thing not a lot of public knowledge have been working on extension of streets extension to Garfield South. talking to tie into Garfield which will provide relief to Francis. Love Montgomery is there residents only egress to Francis or be able to go out Montgomery. Chuck access only off Francis intended second merge access off of Kansas. Morales on zoning notice there was a slip spoke to it why different then what we have. Chuck they own all of the property only rezoning is the area that is squared. Dufford how many stories? Chuck 3. Dufford any issues with site line. Harrington no one really close to it except commercial or industrial to east. 17.42 units per acre.

Trost didn't he say something looking from his house to petroleum museum vacant land. Dufford no one can peer into back yard. Robnett zone change only. Chuck where proper setbacks wouldn't have setbacks. Morales zone change only at this site plan part of this Chuck.

Love think that a lot of objections have been adequately countered. For this development need as much housing so hope council will support this item desperately needed. Lacy density lower than seeing.

Council Member Love moved approval of the first of two readings of Ordinance No. 10019 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Mayor concern to traffic going into residential. Will have another hearing will talk to Mike to see if alternative route if not what is

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

43. Hold a public hearing and consider an ordinance on a request by T&S Builders for a Special Exception from the City of Midland Zoning Ordinance Section 5.05, Non-residential Zoning District Dimensional Regulations Chart, concerning the side-yard setback on Lot 2B, Block 2, Bent Tree Addition, Section 8, City and County of Midland, Texas, (generally located on the south side of Bluebird Lane, approximately 315 feet east of North Midkiff Road). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10020

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 2B, BLOCK 2, BENT TREE ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF BLUEBIRD LANE, APPROXIMATELY 315 FEET EAST OF NORTH MIDKIFF ROAD), BY PERMITTING A REDUCED MINIMUM SIDE YARD SETBACK FROM AN INTERIOR LOT LINE; 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. 10020.

Development Services Director Chuck Harrington gave a brief overview of the item noting special exception concern side yard set back office building. zoning ordinance requires minimum side yard 5 feet. propose to construct on lot line. constructing building will meet building codes fire issues. staff reviewed and finds no hardship and have to recommend disapproval as of 10/30 on lot. Love just said rec denial because of lack of hardship all other one similar situations today recommended denial verbally on this application directional information not denial. chuck should have been denial. if don't show as hardship have to rec denial. Lacy why brought after stated construction? Chuck can't answer.

Mayor Morales opened the public hearing at 11:31 a.m.

Kyle McGraw 3004 Bluebird access from specific site. May not understand process clearly. Building is already built just asking for change. curious need a building change after built. What is side yard set back. don't know what use of property what is use of egress and ingress. Keller Williams built coming on Midkiff these guys can't tell. what is use of property number of tenant already zoned for office not in opposition want to gether info.

chuck already built but want to subdivide lot to do that don't have setback which creates need for special exception. Dufford are building connected. Its one building on two lots want to separate? Love why? chuck not sure assume to sell of portion of building to someone else.

Richard Totch 3210 S Ridge Court right behind property. Bought property from Tom Green went through propose with p7z to building dual building with though sell east half. already had client. At that point the structure you see with lot line was part of original proposal. think civil engineer involved did not handle correctly. Lots of other properties have exact same thing. need it divided is because client have agreed to buy one half of building wanting his own separate address. All asking for address for 3209. Own property to west of that and in future would like to build two more buildings just like that on that building. One common building with fire wall. Egress off west 25-30 point access to north. parking in front and wrap around to back. May be a road that comes between four buildings. Is this office.? yes office with low traffic, accountant other than april 15 not too many there. Morales adding landscaping. Richard yes. Love could this not have been solved with A and B. His client does not want an A B Address. Lacy want another curb cut further west why not down middle? Totch this is 20 and 30 foot easement all the way to Midkiff also have that access.

There being no one else wishing to speak, the public hearing was closed at 11:37 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 10020 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Love applicant said other properties like this do you now if any other properties like this? Chuck adjoining walls. but don't know off top of head with commercial properties uiblt across existing lot lines. They want serpate lot with seprate address creates a problem. See alot of condo types .

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

MISCELLANEOUS

44. Approved a motion appealing the denial of a driveway opening located on Rankin Highway for the Avis Lube and Kent Wash Facility (1609 Rankin Highway). (DEVELOPMENT SERVICES)

Jose Ortiz anser any qeustions, back in april 2018 city council approved of maintenace of stakes auth to issue permits for driveways on state roadway. thorough m&A do following states guideliens. Since then trying to exerside. this deve came in alter than year fall 2018 already in place at that point dormant august received another building permit entire time access point issue for staff did not followin guidelines. went ahead and denied permit. now received appeal to consdier spacing and not followins tate require rec against. Love what happens if dont fololwo state requirements what do to dev in midland. Jose if don't follow they can take authority back to city and will ahve to get permits thorough them for any faciliteis on state highways. been in existance not surprise to any people hasn't een practied in alsat decade. Changging melrose palce south of heererequired same wanted access on Rankin, rosas wanting access because of spacing denied. That is similar to this siaution. Dufford issue on north big spring talked with tem tell them e3xact same ting. andrews big spring caase in point have itnerest in moving forward with development have concern once explained criteria did make accomodations to adress andd they arleady had driveway off big spring. If brand new development just because have driveway doesn't mean grandfatehred in. They made accomodations so they did remove access of big spring. dufford setting precedent if grant. Jose similarr in otheer part of city acces spoints on systems each one had to go back. Scott in this area worked with everyboyd. Lacy some new development do have access off Rankin. Always talk about wxdot pnish their roads are worst. what do dondt think will do anything in support of appeal. Hotchkiss endangering agreement reason is to make is easier for applicants to get through process. By coming thorough city more expedient. Jose yes because of timing of permits for acces spoints to rankin and other location. it ocmes down to rights to reasonable access. if they can't access to state system or any other system will grant access. Roobnett even if txdot was involved this wouldn't be access grant on our own any way. Jose look at 3 items consistency andd fairness ind ecision making, help us resolve traffic congestion when ekep adding driveway hurtss, 3 is state guidelines. Its all to try to help reduce safety issues. want to midnful hard decisions dont wnat to impeded anyones development.

Love Ohnemiller if grant appeal what right telling same thing ??? Ohnemiller absent some meaningful distinction for other such as lack of access, if only way to give them reasonable access. It palces city in difficult legal because treating people differently. Dufford with coffee shop would feel compelled to grant that sdecision going ot have to make.

Bill Kent 4911 Island Drive, own entire block working on project several eyars go bako

portion east rezoned commercial it had trailers and various other things. Asked for alley to be abandoned which City did. problem we have is that there are fiberoptic liens through the alley. thought could do is build on that property when weren't able to build changes whole layout of facility. avis on top car wash on bottom only way to get in is through existing curb cut through middle of property. Tries to see how can lay it out spent a lot of money in land. Landscaping is demonstrating we care about Midland would like to get approved know there is a new cut down street for car wash quick lub down road that has access can't get it in without drain without center access. Morales because safety is big topic you address how many cars could stack up? Bill good question typical quick lub has 100 cars a day car wash 300 400-50 way more people at convenience store sees several thousand. amount of traffic is minimal. OLove couldn't reverse and have on other side. Bill looked at every way need to separate can't have tied up both by nature require stack room so have to figure out way to stack for car wash and stack room for quick lube come in and stack in back. this identical facility on Faudree and that will have 7-8 cars stacked up in each bay. That's it fiberoptics screwed up. You can see alley going through. Robnett if don't approve curb cut does property get developed. Bill no.

Love hate to put him on the spot but commented about TxDot and what may or may not do can comment about that. Gary Law that would be inappropriate for him to comment. Retired Engineer from TxDot.

Dan Corrales, 4604 W Illinois, spent a little time in development understand problems when trying to build and consider how applicable to local and state guidelines challenge how to make everyone happy and be compliant but what city attorney similar situation but different standards responsible development anyone according to state guidelines will understand what precedent and file appeal answer and not sticking to our guns. when build to this magnitude where entrance and we're stacking. by dry clean supercenter car wash stacks up into Wadley creates can see difficulty one thing advocate is keeping into account off of main or arterial corridors create safety issue make part of planning process.

Love Commercial building gives relief all property tax and sales tax generate huge pay in putting relief on residential taxpayer. unique situation which limits there is a hardship different from other properties down way. Elected to make these decisions encourage to approve. Love comment no one has any argument what he has done for this community don't think that is pertinent issue issue is slowing down future development because com may not have right tool to view and sending to TxDot slow down considerable plus precedent setting nothing to do with how good quality citizen.

Trost further down line what is recourse. John O they could take back authority delegated to city could take back. If taking away curb cuts on existing look at amount of money purchasing demo and getting ready for development.

Bill Kent building new car wash it has access and brand new don't know if as big precedent as appears to be. As comes to TxDot will tell you one thing TxDot cross the street from facility 1788 and 158 own all corners TxDot blocked off access to property have lawsuit ready to pursue with TxDot whatever concern with TxDot got issues blocking off property can't legally do. Know been exception looked at every way we can seen what develop spend 5-6M hope can get approved. Love spending 5-6 M much appreciated. As far as know asked president not aware of ever having accident at store

next door built in 2011. Talkinga bout agreement.

Council Member Lacy moved to approve a motion appealing the denial of a driveway opening located on Rankin Highway for the Avis Lube and Kent Wash Facility (1609 Rankin Highway).; seconded by Council Member Trost.

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

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

Dufford Midland Higher Educaaito Facilities maynot be needed. please follow up to sunset.

Council Member Love moved to appoint Cheryl to HOusing Authority.; seconded by Council Member Hotchkiss.

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

PUBLIC COMMENT

46. 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.)

no oonee speak. Metin gadjourned 12:13 p.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