**MIDLAND CITY COUNCIL**
**MINUTES**
**November 06, 2018**

## BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ___ a.m. on November 06, 2018.

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

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Police Chief Steve Henry, Fire Chief Chuck Blumenauer, Utilities Director Laura Wilson, Administrative Services Director __, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Services Director Jose Ortiz, Director of Airports Justine Ruff, General Services Director Fred Reyes, Chief Information Officer Willie Resto, Solid Waste Director Morris Williams, Planning Division Manager Jessica Carpenter, Building Official Steve Thorpe, and Public Information Officer Elana Ladd.

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

## REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., November 06, 2018.

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

Council Members absent: None.

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

The Agenda Items were heard in the following order:

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

**OPENING ITEMS**

cto 10:02 a.m.

1. Invocation - Pastor Phil Allman, Grace Lutheran Church

2. Pledge of Allegiance

**PRESENTATIONS**

a. Seth Boles & Mayor
b. Lacy
c. Mayor Ana MIchelle Wilson Americas us junior Miss 19 years old.

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

   a. Receive an Excellence and Financial Reporting Award from Government Finance Officers Association.

   b. Presentation of a Proclamation to Municipal Court for Municipal Court Week.

**CONSENT AGENDA**

4. Approved a motion approving the following minutes:

   Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding 13; seconded by Council Member Robnett.

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

   a. Regular City Council meeting of October 23, 2018.

   Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding 13; seconded by Council Member Robnett.

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

5. Approved a resolution forgiving the loan from the Garage Fund and the advance from the General Fund that were previously approved to pay for improvements to the Hogan Park Golf Course. (FINANCE)

   RESOLUTION NO. 2018 - 454

   RESOLUTION FORGIVING THE LOAN FROM THE GARAGE FUND AND THE ADVANCE FROM THE GENERAL FUND THAT WERE PREVIOUSLY APPROVED TO PAY FOR IMPROVEMENTS TO THE HOGAN PARK GOLF COURSE; AND

AUTHORIZING THE FINANCE DIRECTOR TO WRITE OFF THE BALANCES OF SAID LOAN AND SAID ADVANCE

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding 13; seconded by Council Member Robnett.

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

6. Approved a resolution awarding a contract for labor, material, equipment and supervision necessary to provide and install new artificial turf at Grande Stadium for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 455

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT IN THE AMOUNT OF $618,940.96 WITH FIELDTURF USA, INC., FOR THE PURCHASE AND INSTALLATION OF ARTIFICIAL FIELD TURF AT GRANDE STADIUM; APPROVING $62,000.00 FOR CONTINGENCIES; AND ALLOCATING FUNDS THEREFOR

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding 13; seconded by Council Member Robnett.

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

7. Approved a resolution approving the purchase of forty-five (45) Bunker Coats and forty-five (45) Bunker Pants from Dooley Tackaberry, Inc. through Buyboard contract 524-17 for a cost of $100,228.50 for the Fire Department. (PURCHASING)

RESOLUTION NO. 2018 - 456

RESOLUTION APPROVING THE PURCHASE OF FORTY-FIVE BUNKER COATS AND FORTY-FIVE BUNKER PANTS FOR THE FIRE DEPARTMENT FROM DOOLEY TACKABERRY, INC. THROUGH BUYBOARD AT A TOTAL COST OF $100,228.50

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding 13; seconded by Council Member Robnett.

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

8. Approved a resolution approving the purchase of a trailer mounted trash pump from Mersino Dewatering, Inc. dba Global Pump through the Houston-Galveston Area Concil (H-GAC) for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 457

RESOLUTION APPROVING THE PURCHASE OF A TRAILER-MOUNTED TRASH PUMP FROM MERSINO DEWATERING, INC., DBA GLOBAL PUMP THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF $81,671.25

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding 13; seconded by Council Member Robnett.

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

9. Approved a resolution awarding a contract to Tommy Klein Construction, Inc. through Buyboard contract 520-16 for the purchase and installation of a new boiler for City Hall for a cost of $139,094.54 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 458

RESOLUTION AUTHORIZING A CONTRACT IN THE AMOUNT OF $139,094.54 WITH TOMMY KLEIN CONSTRUCTION, INC., FOR THE PURCHASE AND INSTALLATION OF A BOILER AT CITY HALL, THROUGH BUYBOARD

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding 13; seconded by Council Member Robnett.

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

10. Approved a resolution awarding an agreement for Agronomic Compliance Consulting Services for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 459

RESOLUTION AWARDING A CONTRACT FOR AGRONOMIC COMPLIANCE CONSULTING SERVICES TO AGRI-WASTE TECHNOLOGY, INC. IN THE AMOUNT OF $165,000.00

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding 13; seconded by Council Member Robnett.

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

11. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Midway Liftstation and Forcemain Project. (PURCHASING)

RESOLUTION NO. 2018 - 460

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE MIDWAY LIFT STATION AND FORCE MAIN PROJECT.

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding 13; seconded by Council Member Robnett.

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

12. Approved a resolution approving the 2019 City Council Meeting Dates. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 461

RESOLUTION ESTABLISHING THE DATES OF THE REGULAR CITY COUNCIL MEETINGS TO BE HELD DURING THE CALENDAR YEAR 2019

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding 13; seconded by Council Member Robnett.

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

13. Consider a Resolution authorizing a second amendment to that certain commercial hangar lease agreement with the City of Midland regarding certain real property located at Midland International Air & Space Port and described as Hangars S-11A and S-11B, and tracts 4-A and 4-B, located in Lot 1, Block 13, Industrial Park Regional Air Terminal, Unit 12, Midland, Midland County, Texas (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 462

RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THAT CERTAIN COMMERCIAL HANGAR LEASE AGREEMENT WITHTHE MIDLAND DEVELOPMENT CORPORATION REGARDING CERTAIN REAL PROPERTY LOCATED AT MIDLAND INTERNATIONAL AIR & SPACE PORT AND DESCRIBED AS HANGARS S-11A AND S-11B, AND TRACTS 4-A AND 4-B, LOCATED IN LOT 1, BLOCK 13,INDUSTRIAL PARK REGIONAL AIR TERMINAL, UNIT 12, MIDLAND, MIDLAND COUNTY, TEXAS

Council Member Robnett moved to adopt Resolution No. 2018 - 462; seconded by Council Member Lacy.

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

14. Approved a motion authorizing the acceptance of reimbursement funds from the Texas Department of State Health Services in the following amounts for the following purposes. $5,921.00 to assist the City of Midland Health and Senior Services Division (City) with delivery of Refugee Immunization Services; $150,358.00 to assist the City with delivery of Immunizations Services; $102,190.00 to assist the City with delivery of Public Health Emergency Preparedness Services; authorizing the City Manager or his designee to execute all necessary acceptance documents; and authorizing and directing the City Treasurer to deposit the funds into the General Fund. (COMMUNITY SERVICES)

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding 13; seconded by Council Member Robnett.

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

15. Approved a motion approving a proposed Preliminary Plat of PNR Midland Park, being a plat of a 75.4 Acre Tract of land out of the S/2 of the SE/4 of Section 28, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located at the southwest corner of the intersection of North County Road 1140 and East Loop 250

North - Extraterritorial Jurisdiction). (DEVELOPMENT SERVICES)

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding 13; seconded by Council Member Robnett.

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

16. Approved a motion on request by Wilshire Park Baptist Church, to defer paving improvements for Western Hills, Section 13, and to waive the corresponding financial security guarantee valued at $61,515.00, an amount equal to the estimated cost of construction. The subject property is generally located on northeast corner of Bentwood Drive and Pleasant Drive, in the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding 13; seconded by Council Member Robnett.

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

17. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Navitas Midstream Midland Basin LLC. Said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing one private gas transportation pipeline, not to exceed sixteen (16) inches in diameter with a nine hundred (900) square foot surface area. The pipeline will be located on City of Midland owned real property in Section 10, Block 37, Township 3 South, B.W. Floyd Survey – A 902, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2018 - 463

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND NAVITAS MIDSTREAM MIDLAND BASIN, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 10, BLOCK 37, TOWNSHIP 3 SOUTH, B.W. FLOYD SURVEY, A-902, MIDLAND COUNTY, TEXAS

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding 13; seconded by Council Member Robnett.

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

**SECOND READINGS**

18. Consider an ordinance on seconding reading on a request by Tkilaz Mexican Restaurant Bar and Grill for a Specific Use Permit with Term, for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 10,250 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of North Garfield Street and West Loop 250 North.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9835

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 10,250-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH GARFIELD STREET AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9835.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9835 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

19. Consider an ordinance on second reading on a request by Maverick Engineering to vacate a 0.31-acre tract of right-of-way located in the NE/4 of Section 30, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located south of Andrews Highway, approximately 804-feet west of Midland Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9836

AN ORDINANCE VACATING AND ABANDONING A 0.31-ACRE PORTION OF RIGHT-OF-WAY OUT OF HILLCREST ACRES LOCATED IN THE NORTHEAST QUARTER OF SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 610 FEET SOUTH OF ANDREWS HIGHWAY AND APPROXIMATELY 804 FEET WEST OF MIDLAND DRIVE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $4,650.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9836.

Council Member Love moved to approve the second and final reading of Ordinance No. 9836 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

20. Consider an ordinance on second reading designating Lots 5 through 8, Block 35; and the 0.05-acre portion of alley right of way, the 0.02-acre portion of N. Colorado Street right-of-way, the 0.02-acre portion of N. Big Spring right-of-way, and the 0.058-acre

portion of W. Texas Avenue right-of-way, all adjacent to said lots; all out of Original Town Addition, City and County of Midland, Texas, as Tax Abatement Reinvestment Zone Number 2018-01, for commercial-industrial tax abatement as authorized by Chapter 312 of the Texas Tax Code; establishing the boundaries thereof and other matters relating thereto; declaring findings of fact; providing a savings and severability clause, and providing an effective date. (Generally located at the northeast corner of the intersection of N. Big Spring Street and W. Texas Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9837

AN ORDINANCE OF THE CITY OF MIDLAND, TEXAS, DESIGNATING A 0.79-ACRE TRACT OF LAND OUT OF LOTS 5, 6, 7 AND 8 AND THE RIGHTS-OF-WAY ADJACENT THERETO, BLOCK 35, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST TEXAS AVENUE), AS TAX ABATEMENT REINVESTMENT ZONE NUMBER 2018-01, FOR COMMERCIAL AND INDUSTRIAL TAX ABATEMENT, AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF DECEMBER 1, 2018

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9837.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9837 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

**PUBLIC HEARINGS**

21. Hold a public hearing and consider an ordinance on a request by Sonny Aguilar for a Specific Use Permit with Term for the sale of alcohol for on-premises consumption, in a parking lot on Lots 11 and 12, Block 26, Original Town Addition, and a previously vacated 0.032-acre portion of West Ohio Avenue right-of-way, located adjacent to Lot 12, Block 26, Original Town Addition, City and County of Midland, Texas, (generally located southeast of the intersection of North Colorado Street and West Ohio Avenue). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9838

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS 11 AND 12, BLOCK 26, ORIGINAL TOWN ADDITION, AND A PREVIOUSLY VACATED 0.032-ACRE PORTION OF WEST OHIO AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO LOT 12, BLOCK 26, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST OHIO AVENUE), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC

USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A PARKING LOT WITH SEATING 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. 9838.

Development Services Director Chuck Harrington gave a brief overview of the item noting for pop up market now wishing to provide instead of caterers with alcoholic bev contorl themselves and askt his request. prop hours mon thur 11-10 fri sat 10-12 a.m. an sund 10-10. no churches or schools within 300 feet according to code and in complance with comp plan staf recc approval subj toc ond a-f.

Mayor Morales oph 10:18 a.m.

Sony Aguilar, 4120 Springfield Court, nothing different then last year just provide alcohol for every market. Lacy problem changing start time 11 a.m. consisstent with past. sony no.

Gloria Salazar 2503 Cambell Tree Cover voice support of granting special use permit. successful want to continue providing for community.

Monica Ramiriz 1602 McClintic, spoke on behal of market bus 22 central piece adult beverage is part of market. no incidents in last year quiate an atraction. speak in support. Morales someone managing doors? Monica officers at every event dilineations of where can be. Morales band? Monica perveyor is checking for ability.

There being no one else wishing to speak, the public hearing was closed at 10:21 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9838 in accordance with the Charter of the City of Midland with amendment changing alcohol service hours on Sunday from 11 a.m.t o 10 p.m.; seconded by Council Member Love.

love really great form com wonderful, nothign but good things, so glad in district 2.

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

22. Hold a public hearing and consider a resolution on a request by Cody Reynolds for a Temporary Land Use for a Christmas Tree Lot on Lot 1, Block 1, Scotsdale Addition, Section 2, City and County of Midland, Texas, (generally located on the west side of North Midland Drive, approximately 180-feet south of West Dengar Drive). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 464

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHRISTMAS TREE LOT ON LOT 1, BLOCK 1, SCOTSDALE ADDITION, SECTION 2, CITY AND

COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDLAND DRIVE, APPROXIMATELY 180 FEET SOUTH OF WEST DENGAR AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting annual christmas tree lot ut up at case verde if approved allow to operate nov 10 thru dec 25 sun fri 12 noon 8 p.m. sat 8 a.m. 9 p.m. in complinace with comp plan no loj rec approval.

Mayor Morales opened the public hearing at 10:23 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2018 - 464; seconded by Council Member Lacy.

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

23. Hold a public hearing and consider an ordinance on a request by Carl Englestad for a Special Exception from the City of Midland Zoning Ordinance Section 11-9-3. - Landscape design standards on Lot 1A, Block 19, South Park Addition, Section 5, City and County of Midland, Texas. (Generally located south side of East New Jersey Avenue, approximately 300-feet west of South Lamesa Road. Council District 2) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9839

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1A, BLOCK, 19, SOUTH PARK ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF EAST NEW JERSEY AVENUE, APPROXIMATELY 300 FEET WEST OF SOUTH LAMESA ROAD), BY EXEMPTING SAID PROPERTY FROM THE REQUIREMENTS OF SECTION 11-9-3, “LANDSCAPE DESIGN STANDARDS” OF THE CITY CODE; 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. 9839.

Development Services Director Chuck Harrington gave a brief overview of the item noting special exception to landscape design standards requires 10 shaade trees to meet landscape. show rv storage with 45 bays existing shop will remain on site. staff reviewed and find no hardships sshown to exist . received one loj. Love person whoobbjected did they object on information erraneous information? thought mobile home park. Chuck that is what letter said don't know their point. Love we do have mobile home park on agenda thought confused with issues. chuck don't know. Hotchkiss what about properties in this vicinity whaat have we done for trees. chuck couple brought up before one across sstreet that individual placed accessory building to existing business didn't require improvements. Prooperty owner put in paved parking for business. Love that individual pavedd their parkign without city requirement. Chuck

another mentioned before on garden ciyt highway scrap metal location it was situation ompletely cleaned up site, submitted plans, had adequate trees already without adding more. can place anywhere on proeprty. They had to pave their parking and final review met all requirement. Love why talkign about property? Chuck broughrt up before.

Mayor Morales opened the public hearing at 10:28 a.m.

Carl Englestadt 4900 , address oen complaint that chuck mentioned to particular person what building. Have pictures. indivudla was informed it was rv park which is why complaint was made. staff told him rv park and putting in exception for trees. as far as hardhsip this has been tremendous financial hardhsip. oorig schedule 2 line items. one for driveway and sidewalk. neighbor did not put in paved parking, he put in nothing which is what he plans to do. they didn't have to do drivway. had meeting with frank, and eng why sidewalk with no sidewalk or driveway at all. What do we need to do. told need ot have engineer propose plan of cost for sidewalk. 3 days before council it states that staff reviewed and bring up follow ing point for disc sidewalk no longer needs to be deferred can be eliminated. Asked if there was any exception and staff said no. But in code exception where either side of street between 2 int would have been nice to know before spent money with engineer and would have cost $10,000 more. asking for 3 things. neighbor across street in scrap yard developed in 90 days why did one do none, one did some and one did everything (him). He had to pay $500 to be here in front of you. Asking for information but have to pay to get information.

Chuck showed site plan for scrap yard had existing trees. no improvements neeed already had driveway on garden city highway. sidewalks were not required because nothing along garden city highway. showed map where paved parking was added. Across street added an accessory buiding to an existing building which is why requirements were not made.

Englestadt another statement forgot to mention, when this first started application process and hired engineer there was no landscaping requirement both said because of area in not require landscape nobody has driveway and sidewalk. Englestadt shared picture of covered parking for rv and boat storage. Hotchkiss you don't want to plant trees? talking aboutlandscaping. Sparks would it mind if speak to Mr. Harrington. Sparks is this the last waiver that we're looking or if we do this and he wants another waiver. Chuck only waiver Im aware of is landscaping. recalculated and dtermined don't need sidewalk. Morales did he pay fees for those issues. chuck oonly fee is $500 for special exception which is ame for everyone. Sparks had to get engineer and didn't need so if do a waiver on landscaping then he will be able to proceed. Hotchkiss even if deny waiver he has to palnt trees. Love vissited englestadt at his property for beautifying district 2. trees there would make a difference in property surrounding is alley and ppipeyards. his frustration speent money based on directives from city that he didn't have to and now after being told he didn't need trees he needs trees. In light of going through route when he didn't have to. Englestadt a lotof money, second is waiver as well as driveway. Lacy can't talk about driveway here about landscape.

Englestadt showed picture of neighbors property across street no paved property. Lacy different duford existing business is the difference. Englestadt storage building no requirement of run off plans no driveway no sidewalk. Existing business. Love we are requireing him to put trees he doesnt' want to spend any more money and asking for waive rin light of what gone hrough and surrounding environment dont have problem.

Robnett in addition to landscape what else can we do to solve your problem. Heard landscape variance. Englestadt request is permit to start construction with deferral waiver for exceptions for driveway, landscape and runoff. Lacy reason staff does that is when add asphalt it goes to neighbors. Englestadt need to come back for driveway. Sparks why wouldn't the driveway be included?

There being no one else wishing to speak, the public hearing was closed at 10:47 a.m.

SPARKS WHY weren't all exception in same hearing. Chuck most items taken care of and eliminating. not sure what asking about driveway improvements have to be made to address drainage. Sparks this will have asphalt/ Frank application seeking variance for sidewalk and landscape. request wass only sidewalk and landscape.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9839 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Hotchkiss vote against because no trees no better way to improve district.

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

24. Hold a public hearing and consider an ordinance on a request by Green Pasture Ventures (Dave Meaden) for annexation of a 9.75-acre tract located in the NE/4 of Section 48, Block 40, T-1-S, T&P RR Co Survey, Midland County, Texas, (generally located on the northwest intersection of Tradewinds Boulevard and Thomason Drive - Extraterritorial Jurisdiction). (DEVELOOPMENT SERVICES)

ORDINANCE NO. 9840

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 9.75-ACRE TRACT OF LAND OUT OF THE NORTHEAST QUARTER OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE); APPROVING A PUBLIC SERVICE PLAN; ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9840.

Development Services Director Chuck Harrington gave a brief overview of the item noting final public hearing and ordinance is included which become multi family dev. no loj and rec appproval.

Mayor Morales opened the public hearing at 10:51 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. 9840 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

25. Hold a public hearing and consider an ordinance on a request for annexation of a 16.386-acre tract of land out of Section 48, Block 40, T-1-S, T&P RR Co. Survey and Section 1, Block 40, T-2-S, T&P RR Co. Survey and a 4.487-acre tract of land located in the NE/4 of Section 48, Block 40, T-1-S, T&P, RR Co. Survey, Midland County, Texas, (generally located south of the intersection of Tradewinds Boulevard and Thomason Drive - Extraterritorial Jurisdiction). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9841

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 16.386-ACRE TRACT OF LAND OUT OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, AND SECTION 1, BLOCK 40, T-2-S, T&P RR CO. SURVEY, AND A 4.487-ACRE TRACT OF LAND OUT OF THE NORTHEAST QUARTER OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE); APPROVING A PUBLIC SERVICE PLAN; ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9841.

Development Services Director Chuck Harrington gave a brief overview of the item noting final ph ask for cons of ord annex 16 plus acre tract row for tradewinds and thomason. no loj staff rec approval.

Mayor Morales opened the public hearing at 10:53 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9841 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

26. Hold a public hearing and consider an annexation of a 123.28-acre tract located in Sections 37 and 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, (generally located approximately 703 feet west of the intersection of Tradewinds Boulevard and Thomason Drive - Extraterritorial Jurisdiction). This is a public hearing only. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting petition process for ph 123.2 acree tract future school site. opportunity to connect to city utility. no loj staff rec approval.

Mayor Morales opened the public hearing at 10:54 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

27. Hold a public hearing and consider an annexation of a 25.410-acre tract located in Section 38, Block 40, T-1-S, T&P RR Co Survey, Midland County, Texas, (generally located approximately 896 feet south of State Highway 191 and 1,020 feet west of Avalon Drive - Extraterritorial Jurisdiction). This a public hearing only. (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 25 acares tract aannex proposed mused mix retail multi family next step in rpocess. allow to bring bpulic util to stie no loj rec approval.

Mayor Morales opened the public hearing at 10:55 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

28. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for a vacation of the 0.058-acre portion of alley right-of-way adjacent to Lot 1, Block 1, Midkiff Heights Addition, Section 2, City and County of Midland, Texas, (generally located approximately 207-feet east of Austin Street and approximately 397-feet north of Bedford Avenue). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9842

AN ORDINANCE VACATING AND ABANDONING A 0.058-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOT 1, BLOCK 1, MIDKIFF HEIGHTS ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 207 FEET EAST OF AUSTIN STREET AND APPROXIMATELY 397 FEET NORTH OF BEDFORD AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $7,579.44; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9842.

Development Services Director Chuck Harrington gave a brief overview of the item noting proposing to develop prop at multi family. mcad value $3 for portion of 7579.44. receeived no loj and rec approval ssubj to cond a and b included in packet. no loj.

Mayor Morales opened the public hearing at 10:57 a.m.

Andrew Mellen does not need alley way and asked to vacate alley. land is more than what paid for land. asked to ask if anything council can do in thiss case. He paid $2.50 for land and this is $3. He is putting up affordable housing for his hotel staff. Sparks city is requesting buy this to vacate it. Sparks you don't need row but asked to clean it up.

Gloria Salazar 2504 Campbell Tree Cove, own that property on sw corner of the sstreet 1211 Austin. Morales he is maintaing manage to keep it clean. John he is on either side of proposed alley to vacate. Gloria received letter didn't know what it meant. John when vacate row when property is vacated property owners on center line is split. ahve to clear issue up before vacate row.

There being no one else wishing to speak, the public hearing was closed at 11:02 a.m.

sparks in order ot keep from defering this if defer we need to defer to vote property, correct? ones on either side get to half way mark. John typically ahve is something from owner in writing saying in favor of vacation center line of property becomes their lot. frank if don't want can state that and other person gets . dont' have it. Sparks question would be could be we defer this and City hold that half side until tthey get that half side then take or allow him to buy it at set price. Sparks once waiver letter comes in doesn't it come back to council if waiver letter doesnt' come then they get other half at same price? John one thing is try to cclean up between first and second reading.

John need somethign in writing before second reading private matter for yall. thought they had signed jsut found out hadn't. if can get that can move forwaard.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9842 in accordance with the Charter of the City of Midland with amendment to change valuee to $2.50 per square foot; seconded by Council Member Love.

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

29. Hold a public hearing and consider an ordinance on a request by Maverick Engineering, for a zone change from a PD, Planned District for a Shopping Center, to PD, Planned District for a Housing Development, on Lots 1 and 2, Block 162; the South 3.138 Acres out of Lot 1, Block 163; and the previously vacated 0.51-Acre portion of Executive Drive right-of-way located adjacent to Lot 2, Block 162, and Lot 1, Block 163; all out of Wilshire Park Addition, Section 9, City and County of Midland, Texas, (generally located on the northeast corner of South Loop 250 West and Leisure Drive). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9843

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1 AND 2, BLOCK 162, THE SOUTH 3.138 ACRES OUT OF LOT 1, BLOCK 163, AND THE PREVIOUSLY VACATED 0.51-ACRE PORTION OF EXECUTIVE DRIVE RIGHT-OF-WAY LOCATED ADJACENT TO LOT 2, BLOCK 162, AND LOT 1, BLOCK 163, ALL OUT OF WILSHIRE PARK ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH LOOP 250 WEST AND LEISURE DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Mayor Morales read the caption of Ordinance No. 9843.

Development Services Director Chuck Harrington gave a brief overview of the item noting request for vacant property. owner is proposing to dev as multi family tract. site plan shows 6 apt building 256 units deensity 28.73. site plan ammenites. adequate parking proposed gated community with proper set backs and meets rec of comp plan. staf rec approval subject to cond a-c. rec no loj.

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

Andrew Mellen, Maverick Engineer 1909 W wall, 256 units type a apt 3 stores look real nice along 250. maverick tried developing 2 other times 2 other clients. this one is taken up more land now 9 acres. seems good product to put in this location. good locaiton. owners here to answer questiions. Sparks loop 250 acces. andrew no from beal parkway and lesiusure.

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

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9843 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

30. Hold a public hearing and consider an ordinance on a request by Vandergriff Group Architects, for a Zone Change from a PD, Planned District for a Shopping Center, to an Amended PD, Planned District for a Shopping Center, on Lot 4A, Block 8, Whitburn Estates Addition, Section 6, City and County of Midland, Texas.,(generally located on the west side of Whitmire Boulevard approximately 250 feet south of West Loop 250 North Frontage Road). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9844

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 4A, BLOCK 8, WHITBURN ESTATES ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF WHITMIRE BOULEVARD, APPROXIMATELY 250 FEET SOUTH OF WEST LOOP 250 NORTH FRONTAGE 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. 9844.

Development Services Director Chuck Harrington gave a brief overview of the item noting request to amend PD for centennial library to install a stoarage building in rear or property to change exists more quickly. will 1506 sq ft max height 16 feet. rev by all dept and rec approval. no loj.

Mayor Morales opened the public hearing at 11:13 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. 9844 in accordance with the Charter of the City of Midland; seconded by Council

Member Dufford.

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

31. Hold a public hearing and consider an ordinance on a request by Landgraf, Crutcher & Associates Inc. for a vacation of the 0.10-acre portion of West Texas Avenue located adjacent to Lots 1 through 6, Block 77, West End Addition, City and County of Midland, Texas, (generally located on the south side of West Texas Avenue between North N Street and North M Street). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9845

AN ORDINANCE VACATING AND ABANDONING A 0.10-ACRE PORTION OF WEST TEXAS AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 1 THROUGH 6, BLOCK 77, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST TEXAS AVENUE BETWEEN NORTH N STREET AND NORTH M STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $17,040.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9845.

Development Services Director Chuck Harrington gave a brief overview of the item noting st anns want to do ?? mcad value $4 sq ft $17.040. been reviewed by all pertinent depts and ranchise utilitiess. staff rec approval subj copnd a and b rec no loj. Love asking for vacation to expand their building in that direction but they w will not encroach upon that? will it still be street. Chuck allows to build closer for setbacks. Chuck island itslef is not part of it. Lacy willb e rebuilding road. Hotchkiss did go over and look at area. Our maps make it look like going ins treet. curbline remains ame. Hotchkiss will curb be oved. Chuck no. Sparks street curb doesn't move. 1/10 of acres very narrow strip. row looks like that but doesn't. Robnett doo we consider variance for setback vs vacation of row. all done for setback could have been variance for setback. would have been easier to request variance.

Robnett opened the public hearing at 11:18 a.m.

David Idler 8812 Edenburg, basically doing is preparing to execute phase i of long term plan $9 M yhouth activity on that block. so far $1 M stamped acquiring property and demo of structure. prel deisgn for youth center extends onto current city seback and our request to purchase easement. curb remains same and cetner is directly across street will finish out wth walkway and tres and handicap access. They will be responsible for imrpoveein g that. Robnett vacation si for improvements. Sparks you get allows to pay for all improvements along road.

Douglas Page 611 W Estes, not aware until saw sign, because this is restricted avenue with median for protection of children he is curious about what is going on. They want to extend their property that they own south texas by 14 feet 6 feet behind curb and still 6 foot parking strip. Concern is Tx supposed to be paired with Illinois to have one way traffic out and in to downtown area. And one of problems having with traffic is congesting Wall Street and Tx is sitting there not used. have 3 lanes k eaast but everybody wantts to be on wall, difficult to get on Tx. See this as opporutnity for City to

persue access from Illinois east of Catholic property. think church is hemmed in what proposing they want to add more structure for more students and really not good idea to encourage people to come down TX to downtown from Andrews. City should persue just east of catholic parrish church aand additional buildding on other side of L and Illinois. If you start the transiiton from Illinois traffic go east to K when get to Tx 90 deg turn and 90 deg turn cathlic alreaady owns 2 lots on Illinois if willing to vacate to allow for road to go across and eliminate traffic on tx by church. makes sense to block street ffor public access so lets get traffic off wall and andrews east of catholic church. appraised value is $4 sq foot to take away from public row. argued before should ask $2 per square foot and amended ordinance then went back to $1.25 but asking church to pay $4 seems inconsistent. Perhaps $17,000 to high. Council addres in second. Sparks appraisal district does appear to change its midn alot see inconsisencies.

There being no one else wishing to speak, the public hearing was closed at 11:26 a.m.

Love Mr. Page has validity too comments. He is exactly right when driving avoid tx and illinois and go down wall can't decide today encourage City staff to look at this becoming significant problem. Sparks itneresting to find out vacation doesnt' have ot pay for improvements. Hotchkiss and

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9845 in accordance with the Charter of the City of Midland with amendment to waive cost; seconded by Council Member Lacy.

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

32. Hold a public hearing and consider an ordinance on a request by We Can't Believe It's Not, LLC dba Butter, for a Specific Use Permit with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant, on 4,633 square feet of Lot 2, Block 1, Corporate Plaza Addition, Section 21, City and County of Midland, Texas, (generally located on the south side of Spring Park Drive, approximately 685-ft. from North Big Spring). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9846

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4,633-SQUARE FOOT PORTION OF LOT 2, BLOCK 1, CORPORATE PLAZA ADDITION, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF SPRING PARK DRIVE, APPROXIMATELY 685 FEET EAST OF NORTH BIG SPRING STREET), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9846.

Development Services Director Chuck Harrington gave a brief overview of the item noting llisten 11;30 adequate parking will ahve 27 spaces asking for hours aalcohol mon sun 10-12 no schools churches 300 feet. reviewed by all depts with no comments does meet comp plan and staff rec approval subj to cond a-g. no loj.

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

Tony Pacelli , W illinois, on behalf can't belive its not llc american fare exicted to have up and running. Lacy issues sund start at 11 a.m. prefer to have. lacy precidnet sent. tony sure. Mayor locaiton looking nice same de3veloper chef form next door

There being no one else wishing to speak, the public hearing was closed at 11:32 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9846 in accordance with the Charter of the City of Midland with amendment to change sunday alcohol service hours fromf 11 a.m. to 12 a.m.; seconded by Council Member Love.

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

33. Hold a public hearing and consider a resolution on a request by Becky McCraney for approval of a Temporary Land Use for a Holiday Event on Lot 3B, Block 6, Park Place, Section 5, City and County of Midland, Texas, (generally located approximately 173-feet south of Princeton Avenue and approximately 158-feet west of Ward Street). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 465

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A HOLIDAY EVENT ON LOT 3B, BLOCK 6, PARK PLACE, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 173 FEET SOUTH OF PRINCETON AVENUE AND APPROXIMATELY 158 FEET WEST OF WARD STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting requesting tlup to hold holiday event santa experience. operation ov 18 thorugh dec 16 with op hours sund 1-5. will be ticketed to reg max visitors. during eveent can enjoy hour inside vent with photobooth hot choclate cookies. s taff reviewed and circulated to all depts. staff rec approval subj to cond a-h. no loj.

Mayor MOrales opened the public hearing at 11:34 a.m.

Becky McCrane Cherrywood, plan to offer experience because of growth our santa days gotten out of contorl. in order ot have more control ticketed event need tent provide security and want kids to have good time. hope approve.

There being no one else wishing to speak, the public hearing was closed at 11:35 a.m.

Council Member Love moved to adopt Resolution No. 2018 - 465; seconded by Council

Member Dufford.

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

34. Hold a public hearing and consider an ordinance request by Chapel Samuels, for a Specific Use Permit without Term for a Mobile Home Park on Lot 1, Block 1, Replat of Blocks 1 and 2, Hollandale Heights, City and County of Midland, Texas. (Generally located on the north side of E. Dormard Avenue, approximately 516-feet east of North Lamesa Road. Council District 2). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9847

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 1, REPLAT OF BLOCKS 1 AND 2, HOLLANDALE HEIGHTS, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF EAST DORMARD AVENUE, APPROXIMATELY 516 FEET EAST OF NORTH LAMESA ROAD), WHICH IS PRESENTLY ZONED O-1, OFFICE DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A MOBILE HOME PARK; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9847.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. sup without term for mobbile home park. proposal is to locate modular homes but because not individually owned lots operating at mobile home park. prop density 7.23 per acre. provides acces to circualtion but not meet required inteior street wideth. will ahve tangent parking spaces meet requirement of 2 parking spaces per home. does not meet set back requirements. they had code requirre storage facility of 120 c ft each space did submit revised site plan shows 120 st on each site. the applicant brought this before p7z yesterday unanimously denied request. They have attached an outline of loj received. Originally set at 52.8 however one applicant withdrew request but required supermajority to approve. Dufford what was reasoning turned down. Chuck felt wasn't right location.

Mayor MOrales opened the public hearing at 11:38 a.m.

Robert Rendall, 6 Desta Drive Suite 1000. on behalf of developer of proposed project. As staff explained applicant desires to construct modular home community. HOmes meet all building requirements and nonly real difference is constructed off site and put on permanent foundations with permanent plumbing. This type of housing can provide additional housing. 12 units 2 bed 2 bath and 2 parking. the current zoning is office and allowed uses could be boarding lodgeing, hotel dr duplex. you will hear concerns being expressed do feel this property does get council to have some control of what is put there and also have some idea of anotehr one or two to add which talked about yesterday. have picture in packet all info provided to public meetings. picture of

development outside of jackson hole wyoming on almost identical site but without mountains. The other notice on peir foundations these solid foundations. other different their locaiton able to do 14 sites because allowed under their zoning we doing 12. As went thorugh planning process first public hearing number people appeared asked ocuncil to defer to visiti with neighborhood. next to montesori school. concern among aprents what happening next door met with parent gorup and neighbors that came, seocnd meet at mlk center last week. oi addiiton objeciton from ses that abuts behidn school. wes initially filed objection and talked to his property they withdrew their objection yesterday. At meetings with neighborhood would like to pare down what view as main concerns and what we do to address. still some concerns of neighbors. safety of school. there will be on site management could even be law enforcement in one of the units there is only 11 other units. very expensive background check and applicaiton. feel this will provide greatsafeguard for community more check and balance then rest of neighborhood. Willing to also put in as condition no more than 2 audlts allowed to live in 2 bed 2 bath units. owner will say not a man camp doesn't not want anything asociated with man camp. Made commitment to school open community to see if they have any problem they will deal with it. 60 ft buffer between school and this development. dedicated street city has no plans to develop that street and considered doing a vacaiton. second concern related to traffic. feel with 12 units max is 2 vehicles per unit. rule cannot have anything alrge than large pick up truck. Made commitment to school if end up having truccks parked on dormard street will come with them to council to ask for no parking. This is problem all over town and can try to contorl that. Parents were also concerned about fencing. Under city requirement will have 8 foot wooden fence along draw and on west side and a 60 foot buffer. front decorate type fence. Last concern is property values for those have been in Midland property values do fluctuate in industry. now ay ot have cyrstal ball to determine long term but do feel that if have wlel maintained, rental community that is landscaped nicely with onsite management it should not impact neighborhood then any other community. Here to answer any questions. \

Willima Dall, New Orleaans, LA their intention is not man camp in any style . primary objective is to bring fmaily style residential community to neighborhood and looka t more as homes. target market would be hjusband wife or with children. If two professionals fine too. Willing to limit amount of adults to 2 per unit. Each unit fully furnished ktichens laundry rooms 2 parking spaces green space on outside, front porches. Robert talked about strict background check. intent ot have tenant long term and part of community. Project in Idaho take that location for same reason in Midland desperate need for housing for workers so that is essentially same proejct. Modeled proejct here off that project. Robnett will they be provided by tenant. Leasing houses. Hotchkiss rental. $1800 to $2000 per month. Morales maintain landspaaing as well. Dall only thing tenant is electrical and wifi cable but all brought in thorugh municpal services. roadway gates landscape all in house. Morales fencing. Dall open to anything the though would be privacy fence around west and east side of triangle front some tyep of low ornamental wrought iron type look. make it look liek part of community.

Natalie London, 2908 N Lames, repsenting ycca blossom montesorri, representing self and families at school several had to leave. community become a part of. If here stand or raise in objection asked for raised. 27 families and staff all families objecting to. thanked for devleoping community. creating something better for midland community. chose neighborhood wanted to move into and givee gifts to communiity. conceerns . they did meet andd have concerns. contiueo to hear marketed to famileis new to area

or public service sector. those people cannot afford rents 1800 to 2000 these are not homes long term transiiton housing to come for short while. community neighborhood doesnot want to be space. if have driven down dormard narrow, small community of peopel invested life saving for permanent homes. Recognize hotel or 2 - story apt those permanent structures. they look like trailers even though modulaar homes. concerned that economy can support in a few years. Primary concern trying to solve immediate need hwen other spaces in town. She provided images of what idaho looks like now from satellite imaging.

Matthew Galindo 1118 dormard bought house first home bought and when moved in wanted to settle down plan to stay. find this as temporary fix for temporary problem. in o7g industrry work with pioneer. boom will not last forever it will last 5-10 years and drop off. worried about property values going down and safety of children. 12 units 24 people coming in and out not sure if 6 months of 12 monthsl If more than that mnay vehicles where will other vehicles be parked, it will end up in front of houses. when spoke with Robert he did mention would reah out to companeis liek Oxy he does not want it to be a man camp when bring employees staying there will be a man camp. Stand behind school and think amazing ideas to bring propety in for school. concern for children, safety of neighborhood and property values. 28 of their familes at school have objected and over 50 in neibhb orhood obj. what if he decides to sell and we're stuck with that in front of house form here on out. one on fairgrounds road mobile home park but person maintaining is member of community so we know he will take care of it. 1800-2000 a month in neighborhood is not affordable. Love concerna bout safety of children what do you mean? Galindo 8, 3 and 1 not comfortable with them palying in front yard to let them walk down road now to go to friends house because so much traffic coming in and out and don't know who lives there. If they do background checks doesn't mmean somebody else can stay there. Love sin't that true for any other development? Galindo yes. House next door is 6 adults and 5 vehicles. Love live on Oak street same problem with renters behind him. more parking more traffic.

Catherine Sweeney 5506 Case Grande, have youngest child at school. employed at hilton garden inn know what compaaneis do when rent chaanged rooms over at 2 a.m. just to shove another one in. main concern prioritiy over . monte tried to by for future expansion that devleopment would invest in community more than temp housing during temp bloom. working with people in Austin to start elementary educaiton. that would beautify neighborhood might be great rpoject but not for this location.not in neighborhood not next to school. other properties in country. Some agree with voucher system plead to help educaiton invest in future and give antoher option besides faith based private school.

Alisa Mccain 12209 Douglas, pareent at school 3 years concern intention is not what is being offered no swimming pool or playground don't see how would raw famiily. Don't see anything other than type of worker don't want. safety have drop off for school. concerned about traffic adding anotehr 22 cars at minimum doesn't accomodate for any guests they have friends where will they park they will be on street already too narrow for this type of development. anything like 2 or 3 houses wouldn't be 22 plus type of vheicles. Thinking about work trucks coming down narrow street. stadn with school and homeowners as resdient ask to please not vote in favor of this tiem.

Jennifer Rodarte 1310 E dormard avenue, just want to say that msot of people in neighborhood can't afford to move anywhere else. Hve chiildren and live down street.

want to better neighborhood think this is important.

Jennifer astritat 2413 Dormard infront of propsoed eve same concerns and add targetting teachers officer and first responders and whenever one of them ask set asdie number of units for these type of peole they couldn't agree. saying to win over but rent to whoever can pay what they are asking. in beginning $1400 per month and then $1600 ttoday hear $2000 tha tis not affordable. a teachercannot afford that amount. do have small children very quiet neighborhood no crrime in 6 years. as Matt said kids wlak to next house without worry and if have 22 to 44 different people yearly rotating out of there not permanent housing for these families.

There being no one else wishing to speak, the public hearing was closed at 12:10 p.m.

lacy thank you for being respectful appreciate

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9847 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Love in district and tried to talk to people. He has couple thing don't htink will pas but in support and a couple of reasons why and asked Mayor to give leeway. read all of the letters sent were against project and one thing kept poppingup in letters is increase crime and he wanted to do research. pulled only study on mobile homes and cirminal actibities. He has been opposed ot new mobile home parks historically is all in his diestrict and they tentd to get relegated to areas of self-fulfilling prophesies. mobile home communites are isolated less desirable areas and eclude from residential areas on the periphery of cities. noting zonign justified mobile home community cause school overcorwing or diminish vlaues. restrictive zoning conflict between upper class and lower class. allocating only blighted land leads to viscious cycle. no statistical differnet in violence crim blocks with mobhile home communities and all residential blocks. to sum up report found official police data form 2000-2002 in omaha indicated no statistical difference with blocks of mobile home communities and regression remains statistically insiginificant. If look at TDHCthey discourage this want low income housing in areas where there is affluent populaitons becuase get dynamic mix. With housing sitaution and this proeprty in flood zone it would be cost prohibitive to build there because of lfood plain. mobile home is on foundations nad have to be elevated see this is only opportunity for this to get developed. Tired to get a laundry mat in there thaa community opposed way before montesorri got there. As far as school concerned a bigger risk ist he apartment complex with numerous people and walking through neighborhood. Understand communiity does not want that and respect that but don't want to get in habit of saying these type of people can't be here or relegated to a specific area.

Sparks folks live in modular housing no more prone to criminal activity. But do think tthat this is temporary, nothing that keeps when busst hits it very likely will be sold and next owner probably wouldn't so would vote against it. don't believe that it will maek much of dent in housing problem.

Love specific use without term if sold enw owner. John O run with land.

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

35. Hold a public hearing and consider a resolution on a request by MODE Communications for approval of a Temporary Land Use Permit for a Christmas Festival on a 15,185.5 square foot portion of Block 64, Original Town Addition, City and County of Midland, Texas, (generally located southeast of the intersection of Big Spring Street and West Wall Street). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 466

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHRISTMAS FESTIVAL ON A 15,185.5 SQUARE FOOT PORTION OF BLOCK 64, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF BIG SPRING STREET AND WEST WALL STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting mode community nov 25 thorugh dec hours and days sundays 130 530. standard family friendly events. staff reviewed all staff rec approvla of request subject to conditions A-IU no loj.

Mayor Morales opened the public hearing at 12:22 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Sparks moved to adopt Resolution No. 2018 - 466; seconded by Council Member Hotchkiss.

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

**MISCELLANEOUS**

36. Consider an ordinance amending Title II, Commissions and Boards, Chapter 6, "Building Code Review Committee" to rename the chapter, "Building and Fire Code Review Committee and to set forth the duties and representatives of the Committee. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9848

AN ORDINANCE AMENDING TITLE II, “COMMISSIONS AND BOARDS”, CHAPTER 6, “BUILDING CODE REVIEW COMMITTEE”, OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO RENAME SAID CHAPTER “BUILDING AND FIRE CODES REVIEW COMMITTEE AND TO SET FORTH THE DUTIES AND REPRESENTATIVES OF SAID COMMITTEE AND OTHER MATTERS RELATED THERETO; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9848.

amendment to ord that amends building code added fire code review and set committe up to actively act as construction and building code board of appeals related to

enforcement or interpretation of building codes for fire codes of city. never convened in 9 years. based on make up of board meets thsoe requirements rec approach we take and also make sure when fire code reviewed lack of info due to thing ? steve.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9848 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

**PUBLIC COMMENT**

37. 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.)

Tommy Tylor 4100 Pemberglen Circle., presented issue to MDC and asked to come speak to Council. Another challenge city with lots of opportunities. United STates 102 nuclear pwoer plants biggest producer of nuclear energy in world. fuel rods are stored in boron bath to 500 degrees cooled down put in dry cast since 1982 govt beent rying to find permanent repository and haven't been able to do it. Lasst administration came up with storing. in Andrews highway have low level wcs site and do enrichment of uranium tom ake rods. after irradiated mmilion times more radiactive then when rods went into process. most toxic thing mankind ever product. Andrews applied for permit to store 4000 of cast aswell as Eddy an;d Lee between hobbs and carlesbad wnat to store 16000 canisteers. one has as much as rleeased in chernoble in 1986 and they want to store 20,0000 of them right in the middle of the permian basin. Put at risk energy production of permian basin and how importnat to us and world. All Andrews county waste come right down railroad track if 4000 cannistered one container a week. no accidents had this is terrible area. this summer huge pile up in monahnas. proponents if differnet tax revenue source. Its just really bad idea proponent say help with boom and bust of oil field. although risk may be small a train derailment and release of radiactive nuclites is still there. consequencee is humongous. if pop lit rate of exposure is 50 miels if wind is not blowing. This stuff very serious a lot of pelple don't know this is going on. If you go in Andrews people don't know. This is interim storage facility 40-100 years sounds permanent with extentions. When is last time you put something out in weather and watched what happenn it declined. There is no though to having facility to repair cast and will set on ground. when govt come up with permanent place. if put all here where is it going to go next moving in twice. think one things council can do is pass resolution to let regulatory and andrews and lee and eddy county know not for and putting city at risk. Last dya to file is November 19. Love hypothetically pass resolution before then to include, special meeting. Saprks iwlling to show up. the NRC believes hwole community is behind this. this is not consent based siting. Saprks they need to clearly state that producing lots of energy for this county and if do have loose won't be able to get intoo area to drill. 50 miles bore hole stretchign limit. Monica Perales is staff attorney helped alot. set in a lot of calls and one remark that reallys et us off was some people with wcs said talking with nrc in washington dc say this is in the mmiddle of nowhere. robnett but on top of something importnat. Dufford do you have the other

independent og all on board. he worked fasken oil and ranch in andrews they own 10% of county formed permian basin land owners, royalty owners and operators. Several small medium and large size oil companies and land owners all behind them to raise awareness.

**EXECUTIVE SESSION**

recess to executive session at 12:34 p.m.

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

    a. Section 551.087, Deliberate Economic Development Negotiations

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

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

PASSED AND APPROVED the __ day of ____, 2018.

_____
Jerry F. Morales, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary