

**MIDLAND CITY COUNCIL
MINUTES
March 26, 2019**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:30 a.m. on March 26, 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).

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, Assistant to the City Manager Marcia Bentley-German, Police Chief Seth Herman, Assistant Utilities Director Carl Craigo, Administrative Services Director Mark Widmann, Finance Director Pam Simecka, and Chief Information Officer Willie Resto.

1. Receive a presentation of the 2018 Midland Police Department Traffic Contact Report by Dr. Eric J. Fritsch, Ph.D., Professional Development Institute, University of North Texas.

Dr. Eric Fritsch of University of North Texas, Department of Criminal Justice, presented the annual racial profiling report noting there were some changes to this year's report due to newly enacted legislation that became effective January 1, 2018. He reported that the City of Midland Police Department is fully in compliance with State law and has met the seven required standards.

He explained the modifications were made in three areas. Previously agencies only collected data on traffic stops that resulted in citations and or arrests. The first change requires collection of data on all traffic stops. The second change is an increase in data collected including location, gender, reason for stop, outcome, and reason for search if the vehicle was searched. The third change is the specific analysis that must be done noting there are four assessments. For these reasons, the report looks different than in previous years.

One difficulty is the law does not lay out standards in which to compare the data. Midland has historically used the Fair Road Standards. He emphasized a good comparison for a benchmark does not exist and there is no valid measure of the driving population.

At every traffic stop the officer is required to indicate whether he knew the ethnicity of the driver and Midland shows that 99% of the time, the officer did not know the ethnicity. This is consistent with what they see from other agencies. He explained that a few years ago they had a grad student look at all 2015 reports which included about 3 million traffic stops. They found that 97.1% of the time, officers did not know the ethnicity prior to the stop.

He reviewed the numbers of stops noting they were broken down into three categories verbal warnings, citations and arrests and each area was broken down by ethnicity. He spoke about the percentage of contraband found in searches noting that 62% of the time contraband was found which is a higher percentage than normally found. Discretionary searches are consent searches which were 1.8% of all stops. This number is in line with other agencies.

The final area is complaints and Midland received no written complaints alleging racial profiling in 2018.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:47 a.m.

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., March 26, 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).

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: 1-15, 17-22, 24-28, 30-43, 16, 23, 29, 44-74.

Mayor Morales called the meeting to order at 10:00 a.m.

OPENING ITEMS

1. Invocation - Brad Smith, Calvary Assembly of God
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Mayor Morales received a mock check from the Midland Association of Retired School Personnel representing the value of calendar year 2018 volunteer hours in the amount of \$843,879.51.
 - b. The City Council presented a retirement commendation to Assistant City Manager Frank Salvato and Internal Auditor Debbie Gotovac as well as a proclamation to Utilities Director Laura Wilson who is taking a position in Ft. Worth.

- c. Council Member Trost presented a proclamation to Bill Womack who is the last surviving Texan from World War II who took part in liberating holocaust survivors.

CONSENT AGENDA

Mayor Morales recognized the 2020 Census partners present noting that the census will start March 23, 2020.

Council Member Lacy moved to approve Consent Agenda items 4 - 43 excluding 16, 23, 29; 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.

4. Approved a motion approving the following minutes:
 - a. Regular City Council Meeting of February 26, 2019
 - b. Special City Council Meeting of March 5, 2019
5. Approved a resolution awarding a contract for the Hogan Park Golf Course Driving Range Improvements Project for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 067

RESOLUTION AWARDING A CONTRACT TO VM GOLF SERVICES, INC., FOR THE HOGAN PARK GOLF COURSE DRIVING RANGE PROJECT, AT A TOTAL COST OF \$449,980.65

6. Approved a resolution awarding a contract for Audio Video Systems for the Midland Convention Center for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 068

RESOLUTION AWARDING A CONTRACT TO AP SOUNDS INC. DBA ALL PRO SOUND FOR THE PURCHASE AND INSTALLATION OF AN AUDIO-VIDEO SYSTEM AT THE MIDLAND CONVENTION CENTER, AT A TOTAL COST OF \$1,172,121.96

7. Approved a resolution awarding a contract for Technology Systems for the Midland Convention Center for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 069

RESOLUTION AWARDING A CONTRACT TO WEAVER TECHNOLOGIES, LLC, FOR THE PURCHASE AND INSTALLATION OF A TECHNOLOGY SYSTEM AT THE MIDLAND CONVENTION CENTER, AT A TOTAL COST OF \$79,639.61

8. Approved a resolution awarding a contract for Security Systems for the Midland Convention Center for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 070

RESOLUTION AWARDING A CONTRACT TO ADVANCED CONNECTIONS, INC., FOR THE PURCHASE AND INSTALLATION OF A SECURITY SYSTEM AT THE MIDLAND CONVENTION CENTER, AT A TOTAL COST OF \$160,108.36

9. Approved a resolution rejecting the bids and authorizing re-advertisement for bids for the Grafa Park Storm Drain Replacement Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 071

RESOLUTION REJECTING THE BIDS RECEIVED FOR THE GRAFA PARK STORM DRAIN REPLACEMENT PROJECT; AND AUTHORIZING THE CITY MANAGER TO RE-ADVERTISE FOR COMPETITIVE BIDS FOR SAID PROJECT

10. Approved a resolution awarding a contract for the Water Meter Installation Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 072

RESOLUTION AWARDING A CONTRACT FOR THE MIDLAND METER PROGRAM 01 PROJECT TO RED DEER CONSTRUCTION, LLC OF MIDLAND, TEXAS, AT A TOTAL COST NOT TO EXCEED \$1,000,000.00; AND AUTHORIZING PAYMENT THEREFOR

11. Approved a resolution awarding a contract to the sole bidder for the Basin Mowing Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2019 - 073

RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2019 BASIN MOWING PROJECT TO THE SOLE BIDDER, SHAWNEE MISSION TREE SERVICE, INC. DOING BUSINESS AS ARBOR MASTERS TREE SERVICE OF GRAND PRAIRIE, TEXAS, AT A TOTAL COST OF \$110,000.00; AND AUTHORIZING PAYMENT THEREFOR

12. Approved a resolution awarding a contract for the FY2019 Arterial and Downtown Street Sweeping Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2019 - 074

RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2019 ARTERIAL AND DOWNTOWN STREET SWEEPING PROJECT TO SWEEPING SERVICES OF TEXAS - OPERATING, L.P. OF HURST, TEXAS, AT A TOTAL COST OF \$120,250.00; AND AUTHORIZING PAYMENT THEREFOR

13. Approved a resolution awarding a contract for the Year Two (2) Bond: Bluebird Lane Paving Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 075

RESOLUTION AWARDING A CONTRACT FOR THE BLUEBIRD LANE PAVING PROJECT TO THE SOLE BIDDER, JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST OF \$2,711,133.46; SAID PROJECT BEING A YEAR TWO BOND PROJECT; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

14. Approved a resolution awarding a contract for the Year Two (2) Bond: Cuthbert Avenue Water Main Replacement Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 076

RESOLUTION AWARDING A CONTRACT FOR THE CUTHBERT AVENUE WATER MAIN REPLACEMENT PROJECT TO J&H SERVICES, INC. OF ALBUQUERQUE, NEW MEXICO, AT A TOTAL COST OF \$727,342.50; SAID PROJECT BEING A YEAR TWO BOND PROJECT; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

15. Approved a resolution awarding a contract for the Year Two (2) Bond: Cuthbert Paving Project - Ward Street to Garfield Street for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 077

RESOLUTION AWARDING A CONTRACT FOR THE CUTHBERT AVENUE (FROM WARD STREET TO GARFIELD STREET) MILL & INLAY PAVING PROJECT TO REECE ALBERT, INC. OF MIDLAND, TEXAS, AT A TOTAL COST OF \$864,234.61; SAID PROJECT BEING A YEAR TWO BOND PROJECT; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

17. Approved a resolution approving the purchase of Herbicide for the Spraberry Farm for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 079

RESOLUTION AUTHORIZING THE PURCHASE OF HERBICIDE FOR THE SPRABERRY FARM FROM HELENA AGRI-ENTERPRISES, LLC OF STANTON, TEXAS, AT A TOTAL COST OF \$96,640.00

18. Approved a resolution approving the issuance of a request for qualifications for a Water and Wastewater Rate Study for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 080

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR A WATER AND WASTEWATER RATE STUDY FOR THE UTILITIES DEPARTMENT

19. Approved a resolution approving payment to Oncor Electric Delivery Company LLC for Pro Rata charges for two-way feed capacity for the Water Pollution Control Plant. (PURCHASING)

RESOLUTION NO. 2019 - 081

RESOLUTION AUTHORIZING THE EXECUTION OF THE FACILITIES EXTENSION AGREEMENT WITH ONCOR ELECTRIC DELIVERY COMPANY LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR ADDITIONAL TWO-WAY FEED CAPACITY FOR THE WATER POLLUTION CONTROL PLANT FOR A TOTAL COST OF \$137,796.63

20. Approved a resolution awarding a professional services agreement to Enprotec/Hibbs & Todd, Inc. for the Wadley Booster Station for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 082

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD, INC., TO PROVIDE DESIGN AND ENGINEERING SERVICES FOR THE DESIGN OF THE WADLEY BOOSTER STATION FOR THE UTILITIES DEPARTMENT, FOR A COST OF \$659,500.00

21. Approved a resolution awarding a professional services agreement to HDR Engineering, Inc. for the design of the Paul Davis Pump Station Improvements for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 083

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., TO PROVIDE DESIGN AND ENGINEERING SERVICES FOR THE DESIGN OF THE PAUL DAVIS PUMP STATION IMPROVEMENTS FOR THE CITY OF MIDLAND, FOR A TOTAL COST OF \$769,820.00

22. Approved a resolution awarding a contract to Palomar Modular Buildings LLC through Buyboard contract 556-18 for labor, material, equipment and supervision necessary to supply and install three (3) Police Barracks for a cost of \$514,167.00 for the General Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2019 - 084

RESOLUTION AWARDING A CONTRACT TO PALOMAR MODULAR BUILDING LLC FOR THE PURCHASE AND INSTALLATION OF THREE (3) BARRACKS TO BE USED BY POLICE CADETS AT THE PERMIAN BASIN LAW ENFORCEMENT ACADEMY, THROUGH BUYBOARD, AT A TOTAL COST OF \$514,167.00; AND APPROPRIATING FUNDS THEREFOR

24. Approved a resolution approving the purchase of an Automated Fuel Management System from AssetWorks LLC through Sourcewell Contract #022217 for a total cost of \$93,935.45 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 086

RESOLUTION APPROVING THE PURCHASE OF AN AUTOMATED FUEL MANAGEMENT SYSTEM FROM ASSETWORKS LLC THROUGH SOURCEWELL AT A TOTAL COST OF \$93,935.45; AND APPROVING \$9,393.50 FOR CONTINGENCIES

25. Approved a resolution approving the issuance of a task order to Rehler, Vaughn & Koone, Inc. dba RVK, Inc. for architectural services and schematic design for administrative offices for Solid Waste, Water and Wastewater and Vehicle Services Divisions for a cost of \$113,950.00 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 087

RESOLUTION AUTHORIZING THE EXECUTION OF TASK ORDER NUMBER RVK 2 WITH REHLER, VAUGH & KOONE, INC.; SAID TASK ORDER TO PROVIDE FOR ARCHITECTURAL SERVICES AND SCHEMATIC DESIGN WORK FOR CERTAIN SOLID WASTE, UTILITIES, AND GENERAL SERVICES ADMINISTRATIVE OFFICES AT A TOTAL COST OF \$113,950.00

26. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Pilot Avenue Paving Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 088

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE PILOT AVENUE PAVING PROJECT; SAID PROJECT TO PROVIDE FOR THE CONSTRUCTION OF PILOT AVENUE BETWEEN STATE HIGHWAY 349 (FARM TO MARKET ROAD 1788) AND NORDEN DRIVE

27. Approved a resolution amending the agreement for Employee Health Care Center with Midland Memorial Hospital. (ADMINISTRATIVE SERVICES)

RESOLUTION NO. 2019 - 089

RESOLUTION AUTHORIZING THE EXECUTION OF THE THIRD AMENDMENT TO THE INTERLOCAL MANAGEMENT SERVICES AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS AND MIDLAND COUNTY HOSPITAL DISTRICT, DOING BUSINESS AS MIDLAND MEMORIAL HOSPITAL, FOR CERTAIN MEDICAL AND WELL-BEING SERVICES; SAID AMENDMENT ADJUSTING THE ANNUAL FEE AND PROVIDING FOR THE HOSTING OF INFLUENZA CLINICS; AND AUTHORIZING PAYMENT THEREFOR

28. Consider a Resolution appropriating funds to the project described as MAF Terminal Building Improvements - Security Checkpoint (7145). (AIRPORTS)

RESOLUTION NO. 2019 - 090

RESOLUTION AUTHORIZING THE APPROPRIATION OF \$614,850.00 FROM THE AIRPORT OPERATING FUND (500) UNAPPROPRIATED FUND BALANCE (35650) TO THE SECURITY CHECKPOINT PROJECT (700145-505)

30. Approved a resolution authorizing the execution of an interlocal agreement with the University of Texas of the Permian Basin in an amount not to exceed \$576,177.00 to advertise or publicize the City of Midland for the purpose of developing new and expanded business enterprises. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 092

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN, AS AUTHORIZED BY CHAPTER 791 OF THE TEXAS LOCAL GOVERNMENT CODE, TO ADVERTISE OR PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES

31. Approved a resolution approving a consulting services agreement with The Perryman Group for multiple projects. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 093

RESOLUTION APPROVING A CONSULTING SERVICES AGREEMENT FOR MULTIPLE PROJECTS BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE PERRYMAN GROUP FOR SERVICES ASSOCIATED WITH THE PRODUCTION OF ECONOMIC AND FINANCIAL ANALYSIS, ECONOMIC IMPACT ASSESSMENTS, PUBLIC POLICY STUDIES, ECONOMIC DEVELOPMENT STRATEGIES, ANALYSIS OF REGULATORY MATTERS, ECONOMIC MODELING, PUBLIC EDUCATION ANALYSIS, MARKET AND INDUSTRY ANALYSIS, AND OTHER RELATED SERVICES

32. Approved a resolution for the establishment of a 2020 Complete Count Census Committee and appropriate \$40,000.00 to the 2020 Census Count Project. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 094

RESOLUTION ESTABLISHING A PROJECT FOR THE 2020 CENSUS COUNT; AUTHORIZING THE FORMATION OF A COMPLETE COUNT COMMITTEE FOR THE

2020 CENSUS COUNT PROJECT AUTHORIZING THE CITY MANAGER TO APPOINT MEMBERS TO SAID COMPLETE COUNT COMMITTEE; AND AUTHORIZING THE APPROPRIATION OF \$40,000.00 TO ADVERTISE AND PROMOTE THE 2020 CENSUS COUNT PROJECT

33. Approved a resolution approving the issuance of permits to Permian Deep Rock Oil Co., LLC, for the drilling of three oil and gas wells, within the City limits, generally located between 2,320 and 2,410 feet east of Rankin Highway and 515 feet south of West Interstate 20. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 095

RESOLUTION GRANTING VARIANCES FOR THREE OIL AND GAS WELLS TO BE LOCATED CLOSER THAN 500 FEET OF AN OCCUPIED COMMERCIAL STRUCTURE OR RESIDENCE; APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELLS LOCATED IN SECTION 10, BLOCK 39, T-2-S, T&P RR. CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 2,320 FEET AND 2,410 FEET EAST OF RANKIN HIGHWAY AND 515 FEET SOUTH OF WEST INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

34. Approved a motion approving a proposed preliminary plat of Corporate Ranch Addition, being a plat of a 30.02 Acre Tract of Land out of Section 28, Block 40, T-1-S, T&P. RR. Co. Survey, Midland County, Texas, (generally located on the southeast corner of the intersection of North County Road 1270 and West County Road 60). (Planning Admin) (030-2019)
35. Approved a resolution appropriating the sum of \$400,000.00 from the General Fund (001) unappropriated fund balance account (35650) to the Downtown Intersection Update Project (900291). (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 096

RESOLUTION APPROPRIATING THE SUM OF \$400,000.00 FROM THE GENERAL FUND (001) UNAPPROPRIATED FUND BALANCE ACCOUNT (35650) TO THE DOWNTOWN INTERSECTION UPDATE PROJECT (900291)

36. Approved a resolution authorizing funds from Certificate of Obligation to be placed in the Fairgrounds Road Extension Project. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 097

RESOLUTION APPROPRIATING THE SUM OF \$150,000.00 FROM THE 2019 CO FUND (158) UNAPPROPRIATED FUND BALANCE (35650) TO THE FAIRGROUNDS ROAD EXTENSION PHASE 1 DESIGN PROJECT (900297-158); AND APPROPRIATING THE SUM OF \$400,000.00 FROM THE 2019 CO FUND (158) UNAPPROPRIATED FUND BALANCE (35650) TO THE FAIRGROUNDS ROAD EXTENSION PHASE 2 ROW PROJECT (900298-158)

37. Approved a resolution authorizing the City of Midland to accept Fiscal Year 2019 Edward Byrne Grant funds in the amount of \$138,000.00. (POLICE)

RESOLUTION NO. 2019 - 098

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$138,000.00 FROM THE FISCAL YEAR 2019 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM PROVIDED BY THE GOVERNOR'S OFFICE; SAID GRANT FUNDS WILL BE USED TO PURCHASE AN ACCIDENT RECONSTRUCTION TECHNOLOGY SYSTEM AND ELECTRONIC TICKET WRITERS FOR THE POLICE DEPARTMENT

38. Approved a motion receiving the 2018 Midland Police Department Racial Profiling Analysis. (POLICE) (031-2019)
39. Approved a resolution authorizing renewal of an Operating Certificate for Khodiar Trade Investment Corporation dba Metro Taxi. (POLICE)

RESOLUTION NO. 2019 - 099

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR KHODIAR TRADE INVESTMENT CORPORATION DBA METRO TAXI TO OPERATE A TAXICAB BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

40. Approved a resolution authorizing and executing a right-of-way license between the City of Midland and Targa Delaware LLC, located within City of Midland's T-Bar Ranch property, Sections 17, 21, 22, & 26, Winkler County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 100

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND TARGA DELAWARE LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 17, 21, 22 AND 26, BLOCK C-23, PUBLIC SCHOOL LANDS SURVEY, ABSTRACTS 1391, 1388, 1414 AND 1415, WINKLER COUNTY, TEXAS

41. Approved a resolution authorizing and executing a right-of-way license between the City of Midland and Targa Delaware LLC, located within City of Midland's T-Bar Ranch property, Sections 8,10, 11, & 27, Winkler County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 101

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND TARGA DELAWARE LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 8, 10, 11 AND 27, BLOCK 74, PUBLIC SCHOOL LANDS SURVEY, ABSTRACTS 1378, 1379, 1380 AND 1410, WINKLER COUNTY, TEXAS

42. Approved a resolution approving the execution of a Right-of-Way License, replacing a previously granted Right-of-Way License approved by Resolution 2014-075 with ETC Texas Pipeline, LTD., Midland and Glasscock Counties, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 102

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ETC TEXAS PIPELINE, LTD., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 30, BLOCK 36, TOWNSHIP-3-SOUTH, T&P RR CO. SURVEY A-957 AND A-1241, MIDLAND AND GLASSCOCK COUNTIES, TEXAS

43. Approved a resolution authorizing and executing an amendment to the Right-of-Way License 2016-027, dated January 27, 2016 between the City of Midland and Sunoco Pipeline L.P. located within City of Midland Plant Farm property, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 103

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND SUNOCO PIPELINE LP, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 10, BLOCK 38, TOWNSHIP-2-SOUTH, T & P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

The following items were pulled from Consent Agenda and considered individually.

16. Consider a resolution awarding a contract for the Year Two (2) Bond: Carter Avenue Paving Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 078

RESOLUTION AWARDED A CONTRACT FOR THE CARTER AVENUE PAVING PROJECT TO THE SOLE BIDDER, JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST OF \$3,737,169.66; SAID PROJECT BEING A YEAR TWO BOND PROJECT; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

Council Member Robnett noted that only two bids had been received on item 15 and a single bid on 16. These are big projects and he would like to see more bids and asked staff to be diligent in actively seeking bidders. Council Member Lacy noted that the amount is still under the estimate of the Engineering Department.

Council Member Robnett moved to adopt Resolution No. 2019 - 078; 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 a resolution awarding a contract to Henthorn Commercial Construction through Buyboard contract 520-16 for labor, material, equipment and supervision necessary for site work for the three (3) Police Barracks for a cost of \$369,804.60 plus \$18,490.23 in contingencies for a project total of \$388,294.83 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 085

RESOLUTION AWARDED A CONTRACT TO HENTHORN COMMERCIAL CONSTRUCTION FOR CERTAIN SITE WORK NECESSARY FOR THE INSTALLATION OF THREE (3) BARRACKS TO BE USED BY POLICE CADETS AT THE PERMIAN BASIN LAW ENFORCEMENT ACADEMY, THROUGH BUYBOARD, AT A TOTAL COST OF \$369,804.60; APPROVING \$18,490.23 FOR CONTINGENCIES; AND APPROPRIATING FUNDS THEREFOR

Council Member Love noted that since we make citizens in the ETJ plat before structures are erected he wanted to ensure that the City of Midland is adhering to the same policies. Development Services Director Chuck Harrington reported they are in the process of getting the survey.

Council Member Trost asked if other agencies will be using the facility. Police Chief Seth Herman clarified it is strictly for the Midland's academy, but other agencies may be there for training evolutions that are hosted by Midland when the academy is not in session.

Council Member Love moved to adopt Resolution No. 2019 - 085; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

29. Consider a resolution authorizing the execution of a consultant services agreement with InterFlight Global Corporation in an amount not to exceed \$94,590.00 for services related to the procurement of new tenants for facilities located at the Spaceport Business Park. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 091

RESOLUTION APPROVING A CONSULTANT SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND INTERFLIGHT GLOBAL CORPORATION FOR SERVICES ASSOCIATED WITH THE PROCUREMENT OF NEW TENANTS FOR FACILITIES LOCATED AT THE SPACEPORT BUSINESS PARK

Council Member Robnett asked if a similar agreement was just approved. Council Member Lacy provided background information to this item and explained differences in the contracts.

Council Member Trost asked about the difference in this contract and the lobbyist. City Manager Courtney Sharp explained that the lobbyist does more global and federal work and this group is more boots on the ground.

Council Member Robnett moved to adopt Resolution No. 2019 - 091; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy. NAY: Robnett. ABSTAIN: None. ABSENT: None.

SECOND READINGS

44. Consider an ordinance on second reading on a request by Christopher Liles for approval of a Special Exception to the City of Midland Zoning Ordinance, concerning front yard setbacks on the west 5.2 feet of land generally located on the northeast corner of the intersection of J Street and Douglas Avenue. (DEVELOPMENT SERVICES) (Public hearing heard. Deferred from February 12, 2019.)

ORDINANCE NO. 9886

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE WEST 5.2 FEET OF LOT 6 AND LOT 7, BLOCK 5, URBANDALE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH J STREET AND DOUGLAS AVENUE), BY PERMITTING A REDUCED SIDE YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9886.

Council Member Love moved to approve the second and final reading of Ordinance No. 9886 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Love, Morales, Lacy, Robnett. NAY: Trost, Hotchkiss. ABSTAIN: None. ABSENT: Dufford.

45. Consider an ordinance on second reading on a request by Jay Leeper for a Specific Use Permit, without Term, for an accessory building for living or sleeping quarters, generally located on the west side of Woodcrest Drive approximately 257 feet south of Ric Drive. (DEVELOPMENT SERVICES) (First reading held February 26, 2019)

ORDINANCE NO. 9889

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 10, BLOCK 149, WILSHIRE PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF WOODCREST DRIVE, APPROXIMATELY 257 FEET SOUTH OF RIC DRIVE), WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR AN ACCESSORY BUILDING TO BE USED FOR LIVING OR SLEEPING QUARTERS; 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); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9889.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9889 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

46. Consider an ordinance on second reading on a request by SBC, LP for approval of a Site Plan on a 13.36-acre tract of land generally located on the southeast corner of the intersection of North County Road 1247 and West State Highway 158. (DEVELOPMENT SERVICES) (First reading held February 26, 2019)

ORDINANCE NO. 9890

AN ORDINANCE ADOPTING A SITE PLAN FOR A 13.36-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH COUNTY ROAD 1247 AND WEST STATE HIGHWAY 158); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9890.

Council Member Love moved to approve the second and final reading of Ordinance No. 9890 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

47. Consider an ordinance on second reading on a request by Stonehawk Capital Partners, LLC for Site Plan Approval on a 21.30-acre tract of land generally located approximately 688 feet south of State Highway 191 and 2,287 feet west of Avalon Drive. (DEVELOPMENT SERVICES) (First reading held February 26, 2019)

ORDINANCE NO. 9891

AN ORDINANCE ADOPTING A SITE PLAN FOR A 21.30-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 688 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 2,287 FEET WEST OF AVALON DRIVE); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9891.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9891 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

48. Consider an ordinance on second reading on a request by Dahlia Development, LLC., for a Zone Change from 1F-2, One-Family Dwelling District to AE, Agriculture Estate District on a 30.74-acre tract of land generally located on the west side of North Garfield Street, approximately 594 feet north of Mockingbird Lane. (DEVELOPMENT SERVICES) (First reading held February 26, 2019)

ORDINANCE NO. 9892

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 30.74-ACRE TRACT OF LAND OUT OF SECTION 9, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS AN AE, AGRICULTURE ESTATE DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH GARFIELD STREET, APPROXIMATELY 594 FEET NORTH OF MOCKINGBIRD LANE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9892.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9892 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

49. Consider an ordinance on second reading on a request for annexation of a 126.162-acre tract generally located approximately 2,630 feet west of the intersection of Mockingbird Lane and Holiday Hill Road. (DEVELOPMENT SERVICES) (First reading held February 26, 2019)

ORDINANCE NO. 9893

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 126.162-ACRE TRACT OF LAND AND A 13.537-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED APPROXIMATELY 2,630 FEET WEST OF THE INTERSECTION OF MOCKINGBIRD LANE AND HOLIDAY HILL ROAD); APPROVING A PUBLIC SERVICE PLAN; AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9893.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9893 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

50. Consider an ordinance on second reading adopting a Fee Schedule effective May 1, 2019. (FINANCE) (First reading held February 26, 2019)

ORDINANCE NO. 9894

AN ORDINANCE ADOPTING A FEE SCHEDULE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE OF MAY 1, 2019; PROVIDING AN APPEAL PROCESS; AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9894.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9894 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

51. Consider an ordinance on second reading vacating and abandoning a 0.71-acre portion of a public access easement generally located approximately 153 feet south of Widener Strip, between Keenland Drive and Holiday Hill Road. (DEVELOPMENT SERVICES) (First reading held February 26, 2019)

ORDINANCE NO. 9895

AN ORDINANCE VACATING AND ABANDONING A 0.71-ACRE PORTION OF A PUBLIC ACCESS EASEMENT LOCATED ADJACENT TO LOTS 13, 17 AND 18, BLOCK 2, GREEN HILL TERRACE, AND LOT 14A, BLOCK 2, GREEN HILL TERRACE, SECTION 15, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 153 FEET SOUTH OF WIDENER STRIP, BETWEEN KEENLAND DRIVE AND HOLIDAY HILL ROAD); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$14,200.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9895.

Council Member Love moved to approve the second and final reading of Ordinance No. 9895 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

PUBLIC HEARINGS

52. Hold a public hearing and consider an ordinance on a request by Katherine Wolbert dba Hand Café, LLC, for a Specific Use Permit with Term for the sale of beer and wine for on-premises consumption, in a restaurant, generally located on the north side of Briarwood Avenue, approximately 138 feet east of Mathis Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9896

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 1,300-SQUARE FOOT PORTION OF LOT 4A, BLOCK 16, GREATHOUSE ADDITION, SECTION 12, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 138 FEET EAST OF MATHIS STREET), WHICH IS PRESENTLY ZONED LR-1, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF BEER AND WINE IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9896.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for the sale and consumption of alcoholic beverages. They originally requested alcohol service hours Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturday through Sunday from 10:00 a.m. to 2:00 p.m. During the Planning & Zoning Meeting they agreed to start service at 10:00 a.m. all days of the week. There are no churches or schools within 300 feet. The item has been reviewed by all departments, is in compliance with the comprehensive plan and was recommended for approval by Planning & Zoning. Staff recommends approval.

Mayor Morales opened the public hearing at 10:34 a.m.

Kate Wolbert, 1801 Huntington, owns the building and the café. They wanted to offer beer and wine to their customers noting they have families that walk up to use the slide with their kids and have a coffee on their patio in the summer. This will increase their walkability score. When asked about hours she noted they would do whatever hours the City thinks is best. They plan to serve local coffee and items from local breweries.

There being no one else wishing to speak, the public hearing was closed at 10:35 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9896 in accordance with the Charter of the City of Midland with a change to alcohol

service hours to Monday through Friday from 10:00 a.m. to 7:00 p.m., Saturday from 10:00 a.m. to 2:00 p.m. and Sunday from 11:00 a.m. to 2:00 p.m.; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

53. Hold a public hearing and consider an ordinance on a request by FP-Westridge Energy Plaza, GP, LLC, for a Special Exception from the City of Midland Zoning Ordinance, concerning height regulations on property generally located on the southwest corner of the intersection of Champions Drive and North Loop 250 West. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9897

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3, BLOCK 6, WESTRIDGE PARK, SECTION 31, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF CHAMPIONS DRIVE AND NORTH LOOP 250 WEST), BY ALLOWING A BUILDING THAT EXCEEDS SEVEN STANDARD STORIES IN HEIGHT TO BE LOCATED ON SAID PROPERTY IN THE PRESENT O-2, OFFICE DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9897.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant desires to build an office building of six-stories with a calculated height of 98 feet. The ordinance only allows 80.5 feet under seven stories, so it is a conflict. The item was reviewed by all staff with no issues. Staff recommends approval and no letters of objection have been received. Council Member Lacy asked about protecting the view of the sports complex. It was pointed out that this is only 17 feet taller than what would be allowed.

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

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9897 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.

54. Hold a public hearing and consider an ordinance on a request by Vineyard Reserve, LLC, for the initial zoning of a 126.126-acre tract generally located approximately 2,630 feet east of the intersection of Mockingbird Lane and Holiday Hill Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9898

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 77.433-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS A 1F-1, ONE-FAMILY DWELLING DISTRICT; AND ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 48.722-ACRE TRACT OF

LAND AND A 13.537-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS A 1F-2, ONE-FAMILY DWELLING DISTRICT; SAID TRACTS BEING GENERALLY LOCATED APPROXIMATELY 2,630 FEET WEST OF THE INTERSECTION OF MOCKINGBIRD LANE AND HOLIDAY HILL ROAD; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9898.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a request to develop their next phase of 1F-1 and 1F-2 single family homes. It is in compliance with the comprehensive plan and it will be a continuation of what has already been done at this location. Staff recommends approval and no letters of objection have been received.

Council Member Love moved approval of the first of two readings of Ordinance No. 9898 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.

55. Hold a public hearing and consider an ordinance on a request for annexation of a 17.55-acre tract of land generally located at the southwest corner of the intersection of Tradewinds Boulevard and Thomason Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9899

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 17.55-ACRE TRACT OF LAND OUT OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST 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 Misty Cryer read the caption of Ordinance No. 9899.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is the first reading for the annexation of a 17.55-acre tract of land on Tradewinds and Thomason. This item is in compliance with the comprehensive plan. Staff recommends approval and no letters of objection have been received.

Mayor Morales opened the public hearing at 10:44 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. 9899 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.

56. Hold a public hearing and consider an ordinance on a request by Stonehawk Capital Partners, LLC for a Zone Change from a PD, Planned District for a Housing Development to an Amended PD, Planned District for a Housing Development generally located on the north side of Briarwood Avenue, approximately 737 feet east of Avalon Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9900

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 4, BLOCK 1, SCP MIDLAND WEST, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 737 FEET EAST OF AVALON 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 Misty Cryer read the caption of Ordinance No. 9900.

Development Services Director Chuck Harrington gave a brief overview of the item noting the site plan was approved in September of last year. Now they are adding a pump house to what was previously approved. There are no issues. The item has been reviewed by all departments, Planning & Zoning recommended approval, staff recommends approval and no letters of objection have been received.

Mayor Morales opened the public hearing at 10:46 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. 9900 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

57. Hold a public hearing and consider an ordinance on a request by Stonehawk Capital Partners, LLC. for a Zone Change from a PD, Planned District for a Housing Development to an Amended PD, Planned District for a Housing Development on a 12.3959-acre tract of land generally located on the east side of North Edwards Street, approximately 156 feet north of Fiesta Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9901

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 12.3959-ACRE TRACT OF LAND OUT OF CORPORATE PLAZA, SECTION 13, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH EDWARDS STREET, APPROXIMATELY 156 FEET NORTH OF FIESTA 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 Misty Cryer read the caption of Ordinance No. 9901.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a request by Stonehawk Capital Partners for an existing apartment development on site. They wish to expand and add additional apartments to the property on an addition 12.395-acre tract. The density will remain 22-units per acre and they will maintain all setbacks. They are currently in subdivision platting to combine all properties. Planning & Zoning recommended approval, staff recommends approval and no letters of objection have been received.

Mayor Morales opened the public hearing at 10:49 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. 9901 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.

58. Hold a public hearing and consider an ordinance on a request by Kendra Hanfeld for a Special Exception from the City of Midland Code of Ordinances, concerning parking requirements on land generally located on the south side of West Texas Avenue between North N street and North M Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9902

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 1 THROUGH 6, BLOCK 77, AND A PREVIOUSLY-VACATED 0.10-ACRE PORTION OF WEST TEXAS AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO SAID LOTS, ALL OUT OF WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST TEXAS AVENUE BETWEEN NORTH M STREET AND NORTH N STREET), BY PERMITTING A REDUCED NUMBER OF OFF-STREET PARKING SPACES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9902.

Development Services Director Chuck Harrington gave a brief overview of the item noting this item is unique in that most churches have all buildings confined to one property. In this case there is a proposed youth building across the street from the existing church and they are asking to be exempted from the parking requirements. This new development doesn't create additional demands and will be used as a youth facility. Staff recommends approval of the special exception. No letters of objection have been received. Council Member Trost expressed concern for the safety of children who may run across the street. Council Member Dufford noted it is similar to First Baptist Church and is something that parents will need to pay attention to.

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.

Eric West, Parkhill Smith and Cooper, 1700 West Wall, reported he is working with St. Ann's on the design of this facility. While the main facility will be across Texas, there has been quite a bit of parking on the side across M Street which is a lower traffic road. The median on Texas provides a much safer environment and there will be operational things the facility can do for safety.

Monsignor Larry Droll reported they hope to build the facility to increase services for teenagers. They are requesting the reduction of parking, so they can more easily facilitate the building itself but also maintain a yard for other activities. There will be two handicapped parking spaces across from the school on Texas and they anticipate most parking will be on the block. There is a drop off lane on M Street where parents can drop off younger teenagers.

Council Member Hotchkiss asked Traffic Engineer Mike Pacelli for his opinion. Mr. Pacelli reported the architect did his work on the concept with no onsite parking and no driveway cuts. There is on-street parking around the perimeter and he has no issues with turning movements because there are no driveways in the intersection. The median was put in with coordination from the church. It prohibits U-turns during drop-offs. There should not be a lot of back and forth pedestrian all throughout the day but there may be groups for scheduled activities. Staff will have to wait and see how it operates and take any steps in the future, if necessary.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9902 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.

59. Hold a public hearing and consider an ordinance on a request for a Specific Use Permit without Term for rock quarries, sand, gravel and caliche excavations on an 11.44-acre tract of land generally located on the north side of East Cynthia Drive, approximately 1,800 feet east of North Fairgrounds Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9903

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS AN 11.44-ACRE TRACT OF LAND OUT OF SECTION, 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF EAST CYNTHIA DRIVE, APPROXIMATELY 1,800 FEET EAST OF NORTH FAIRGROUNDS ROAD), WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR ROCK QUARRIES AND SAND, GRAVEL AND CALICHE EXCAVATIONS; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9903.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is requesting a SUP for excavation to gather fill material for Elkins Road. The proposed hours for excavation are Monday through Friday from 7:00 a.m. to 6:00 p.m. During the Planning & Zoning meeting, members of the public had concern regarding traffic up Cynthia Avenue versus pushing traffic to Fairgrounds. This meets state requirements and staff has no objections to the request. Council Member Lacy noted that this activity type is heavily regulated. Council Member Love had concern for the future expansion of Wadley and asked if this was a desired use for Wadley. Mr. Harrington noted that there are a lot of Special Use Permits and this is the best use for this property as it is likely to never be developed as residential or future retail. He did not look at it as being the future of Wadley. Council Member Lacy noted it could be used in the future as a retention basin. Mr. Harrington added that its front exterior could also be finished to disguise the rock quarry with landscaping.

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

Fariss Murphy, 2811 Ann Drive, reported she lives in the windowpane County area and noted that she checked the wrong box on her form. She has several neighbors here with her and they do not want loaded trucks going north on Cynthia. They have 3 ½ blocks of paved County maintained road and if a truck driver were to take the shortest route it would be down their road. They asked that Jones Brothers be required to go east on Cynthia to Fairgrounds to the Loop. The extension of Wadley has been on the 20-year plan for 25 years. She doesn't see it happening in her lifetime. This excavation will create a giant hole in the ground bordered by two major gas lines.

Jeremia Caughron, 5729 Grassland, is a partner with the company that owns a portion across the road on Cynthia. He received a letter from his realtor and this will drastically reduce the value of their future development. His concerns are traffic, poor air quality and a decrease in value of his development.

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

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9903 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Council Member Love moved to amend the motion by requiring trucks to go west on Cynthia and north on Fairgrounds Road; seconded by Council Member Lacy. The motion to amend carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

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

60. Hold a public hearing and consider an ordinance on a request by Renew Life Church for a vacation of the 0.138-acre portion of alley right-of-way generally located on the south side of West Kentucky Avenue approximately 190 feet east of South Pecos Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9904

AN ORDINANCE VACATING AND ABANDONING A 0.138-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 110, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST KENTUCKY AVENUE, APPROXIMATELY 190 FEET EAST OF SOUTH PECOS STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$12,000.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9904.

Development Services Director Chuck Harrington gave a brief overview of the item noting that Maverick Engineering is applying on behalf of a church and is requesting to abandon a portion of the alley. The request was routed to all different utility companies and they noted concerns about needing to keep an easement. This information was shared with the applicant and they understand the requirement to keep the easement. Staff recommends approval subject to the condition that it be maintained with utility access easement. The cost is \$2 per square foot. No letters of objection have been received.

Mayor Morales opened the public hearing at 11:25 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. 9904 in accordance with the Charter of the City of Midland with the amendment to waive the \$12,000 fee; 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.

61. Hold a public hearing and consider an ordinance on a request by Renew Life Church for a Zone Change from PD, Planned District for a Housing Development to C-3, Commercial District generally located on the southeast corner of the intersection of South Pecos Street and West Kentucky Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9905

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING BLOCK 110, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS A C-3, COMMERCIAL DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH PECOS STREET AND WEST KENTUCKY 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 Misty Cryer read the caption of Ordinance No. 9905.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is for a church. The property in question is currently zoned multi-family and

they are requesting it to go back to CE zoning to complete their project. It has been reviewed by all departments, is in compliance with the comprehensive plan and staff recommends approval. No letters of objection have been received.

Mayor Morales opened the public hearing at 11:28 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. 9905 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

62. Hold a public hearing and consider an ordinance on a request by Outback Steakhouse of Texas, LLC, for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, generally located on the north side of West Loop 250 North, approximately 300 feet west of Garfield Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9906

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 3, BLOCK 28, PLANTATION HILLS, SECTION 15, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 300 FEET WEST OF GARFIELD STREET), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9906.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for Outback Steak House. They currently have an alcoholic beverage permit with hours of 4:00 p.m. to 12:00 a.m. Monday through Friday, Saturday from 3:00 p.m. to 12:00 a.m. and Sunday from 11:00 a.m. to 12:00 a.m. They are requesting to change their alcohol service hours to Monday through Thursday from 11:00 a.m. to 10:00 p.m., Friday through Saturday from 11:00 a.m. to 11:00 p.m. and Sunday from 12:00 p.m. to 9:30 p.m. There are no churches or schools within 300 feet and it is in compliance with the comprehensive plan. Staff recommends approval.

Mayor Morales opened the public hearing at 11:30 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. 9906 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.

63. Hold a public hearing and consider a resolution on a request by San Miguel Arcangel for a Temporary Land Use for a church family fair generally located on the southwest corner of the intersection of Camp Street and West Dakota Avenue. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 104

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH FAMILY FAIR ON LOT 1A, BLOCK 19, MIDLAND HEIGHTS ADDITION, SECTION 4, AND A 0.70-ACRE PORTION OF MCKENZIE STREET RIGHT-OF-WAY ADJACENT TO SAID LOT, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST DAKOTA AVENUE AND CAMP 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 this is their annual family fair. Adequate peace officers and toilet facilities will be available, and no incidents were reported last year. Staff recommends approval.

Mayor Morales opened the public hearing at 11:32 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2019 - 104; 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.

64. Hold a public hearing and consider an ordinance on a request by Sonny Aguilar dba Toast, for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant generally located on the north side of West Wall Street, approximately, 115 feet east of North Big Spring Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9907

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4,200-SQUARE FOOT PORTION OF LOT 13 AND EAST HALF OF LOT 14, BLOCK 56, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WALL STREET, APPROXIMATELY 115 FEET EAST OF NORTH BIG SPRING STREET), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9907.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is proposing to add alcohol service with the hours of 11:00 a.m. to 12:00 p.m. Monday through Saturday and Sunday from 11:00 a.m. to 9:00 p.m. There are no churches or schools within 300 feet. It is in compliance with the comprehensive plan and staff recommends approval. No letters of objection have been received.

Mayor Morales opened the public hearing at 11:34 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Trost thought the hours were awfully long. Sony Aguilar, 4120 Springfield, reported they won't always be open that long, but it allows hours for certain special events that they offer.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9907 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

65. Hold a public hearing and consider a resolution on a request by Basin PBS for a Temporary Land Use for a fundraising community dinner event on a 0.45-acre portion of North Main Street right-of-way, generally located on North Main Street, between West Illinois Avenue and West Texas Avenue. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 105

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A COMMUNITY DINNER EVENT ON A 0.45-ACRE PORTION OF NORTH MAIN STREET RIGHT-OF-WAY ADJACENT TO BLOCKS 37 AND 38, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON NORTH MAIN STREET, BETWEEN WEST ILLINOIS AVENUE AND WEST TEXAS 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 this is the first of two requests for a temporary land use permit to hold a community dinner as a fundraising event to be held on Saturday June 1 from 2:00 p.m. to 10:00 p.m. They are requesting to close a portion of Main Street. The sale of alcoholic beverages will be provided through the catering permit by Opal's Table. There are adequate restrooms and security officers. It meets the comprehensive plan and staff recommends approval subject to conditions A-K. No letters of objection have been received.

Mayor Morales opened the public hearing at 11:38 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2019 - 105; 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.

66. Hold a public hearing and consider a resolution on a request by Basin PBS, for a Temporary Land Use for a Main Street Live Fundraising Event on a 0.45-acre portion of

North Main Street right-of-way, generally located on North Main Street, between West Illinois Avenue and West Texas Avenue. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 106

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A BARBECUE, LIVE MUSIC AND STREET DANCING EVENT ON A 0.45-ACRE PORTION OF NORTH MAIN STREET RIGHT-OF-WAY ADJACENT TO BLOCKS 37 AND 38, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON NORTH MAIN STREET, BETWEEN WEST ILLINOIS AVENUE AND WEST TEXAS 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 this event is also for PBS and will have alcohol sales and live music. Staff recommends approval subject to conditions A-K.

Mayor Morales opened the public hearing at 11:41 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2019 - 106; 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.

67. Hold a public hearing and consider a resolution on a request by The Bar for approval of a Temporary Land Use for an PBLA shrimp boil private event generally located on the north side of West Missouri Avenue, approximately 20 feet east of South A Street. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 107

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A PRIVATE SHRIMP BOIL EVENT ON LOTS 7 THROUGH 9, BLOCK 61, AND A 0.21-ACRE PORTION OF SOUTH CARRIZO STREET RIGHT-OF-WAY ADJACENT TO LOT 4, BLOCK 60 1/2, AND LOTS 7 THROUGH 9, BLOCK 61, ALL OUT OF ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST MISSOURI AVENUE, APPROXIMATELY 20 FEET EAST OF SOUTH A 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 The Bar is requesting a TLUP to host a private event on April 27, 2019 from 5:30 p.m. to 10:30 p.m. They will have food, live acoustic guitar, outdoor bar, chairs and tables. There will be adequate restrooms and security guards. It meets the comprehensive plan and staff recommends approval.

Mayor Morales opened the public hearing at 11:42 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2019 - 107; 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.

68. Hold a public hearing and consider an ordinance on a request by Ravi C. Borra for Site Plan Approval generally located on the north side of Northbrook Lane, approximately 265 feet northwest of West Loop 250 North Frontage Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9908

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 3, BLOCK 35, NORTHGATE ADDITION, SECTION 19, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF NORTHBROOK LANE, APPROXIMATELY 265 FEET NORTHWEST OF WEST LOOP 250 NORTH FRONTAGE ROAD); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9908.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a request for a PD. The applicant provided a site plan for an office building for medical purposes. There is plenty of parking including handicapped parking. There is a fence for privacy. This item has been reviewed by all departments and is in compliance with the comprehensive plan. Staff recommends approval of the site plan subject to conditions A-B. No letters of objection have been received.

Mayor Morales opened the public hearing at 11:44 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. 9908 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.

69. Hold a public hearing and consider an ordinance calling a joint public hearing by the City Council and Planning and Zoning Commission to consider the adoption of an ordinance amending Title XI, "Planning and Development", Chapter 1, "Zoning" of the City Code of Midland, Texas so as to change the heading of said Chapter 1 to "Zoning Ordinance and to revise and amend the rules, regulations and zoning map contained in or associated therewith and similar provisions related to land use and development; prescribing the type of notice to be given of the time and place of the joint public hearing. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9909

AN ORDINANCE CALLING A PUBLIC HEARING TO BE HELD JOINTLY BY THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION TO CONSIDER THE ADOPTION OF AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", CHAPTER 1, "ZONING" OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO CHANGE THE HEADING OF SAID CHAPTER 1 TO "ZONING ORDINANCE" AND TO REVISE AND AMEND THE RULES, REGULATIONS AND ZONING MAP CONTAINED IN OR ASSOCIATED THEREWITH AND SIMILAR PROVISIONS RELATED TO LAND USE AND DEVELOPMENT; PRESCRIBING THE

TYPE OF NOTICE TO BE GIVEN OF THE TIME AND PLACE OF THE JOINT PUBLIC HEARING; AND CONTAINING A SAVINGS AND SEVERABILITY CLAUSE

Mayor Morales read the caption of Ordinance No. 9909.

Development Services Director Chuck Harrington gave a brief overview of the item noting there is a requirement to have a joint public hearing with Planning & Zoning. The meeting has been scheduled for April 23 at 6:00 p.m. at the Municipal Court. Staff recommends approval of the ordinance.

Mayor Morales opened the public hearing at 11:46 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. 9909 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.

70. Hold a public hearing to consider the land use assumptions and capital improvements plan under which water, wastewater, and roadway impact fees may be imposed. (ENGINEERING SERVICES) (032-2019)

Eric West, Parkhill, Smith & Cooper, 1700 W. Wall introduced Jeff Whitacre of Kimley Horn. They are the consultants that have been hired to develop impact fees for Midland. Last month a briefing was provided. They have available the final drafts of the report along with all comments from the committee. Today is the opportunity for public comment for land use assumptions and capital improvements.

Mayor Morales opened the public hearing at 11:48 a.m.

Mark Payne, 1603 Idyllwild, served on the committee. He is also a home builder and believes Midland is short by about 7,500 homes. Most of the items in the CIP are very broad and are typical things that would be paid for by the developer which builds the cost into the lot. There are water problems in northeast Midland and sewer issues and it is hard to leapfrog development in those areas. Historically the City has not invested in development and that burden has been on the developer. Impact fees are for the City to recover its investments. He asked the City to focus on the big projects that don't normally fall under the scope of the developers. He thinks the residential community will bear the burden of the costs when looking at impact fees.

Chris Berry with Betenbough Homes wanted to reiterate the difference between development agreements and impact fees. If impact fees are adopted he would think twice about entering into a development agreement.

Eric West, Parkhill, Smith & Cooper reported the next step is working on setting the actual fees and how to go about running it in comparison to development agreements. Very often if development is putting in its own infrastructure that is part of the capital plan, that cost would be offset in their fees. The process will not be double-dipping. The goal is to make it fair across the board for anyone who is developing in the City.

There being no one else wishing to speak, the public hearing was closed at 11:59 A.M.

MISCELLANEOUS

71. Consider a resolution approving the 2018 International Building Code, 2018 International Plumbing Code, 2018 International Mechanical Code, 2018 International Fuel Gas Code, 2018 International Residential Code and the 2017 National Electrical Code, with amendments, as a public record to be filed with the City Secretary for a minimum of thirty days before any action is taken by City Council. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 108

RESOLUTION APPROVING THE 2018 INTERNATIONAL BUILDING CODE, WITH AMENDMENTS, THE 2018 INTERNATIONAL PLUMBING CODE, WITH AMENDMENTS, THE 2018 INTERNATIONAL MECHANICAL CODE, WITH AMENDMENTS, THE 2018 INTERNATIONAL FUEL GAS CODE, WITH AMENDMENTS, THE 2018 INTERNATIONAL RESIDENTIAL CODE, WITH AMENDMENTS, AND THE 2017 NATIONAL ELECTRICAL CODE, WITH AMENDMENTS, AS PUBLIC RECORDS; AND PROVIDING THAT ALL OF SAID CODES SHALL BE PUT ON FILE IN THE OFFICE OF THE CITY SECRETARY FOR A MINIMUM OF THIRTY (30) DAYS BEFORE ANY ACTION IS TAKEN BY THE CITY COUNCIL

Building Official Steve Thorpe gave a brief overview of the item noting it occurs every three years. Staff has undergone training, the City Council appointed a committee, and the code has been reviewed by the committee and they have recommended moving forward with the adoption of the 2018 family of codes. The first step is to put the proposed amendments on file in the City Secretary's Office for 30 days and to bring back any comments from the public.

Council Member Robnett moved to adopt Resolution No. 2019 - 108; 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.

72. Consider a motion making appointments to various Boards and Commissions.

Council Member Lacy moved to appoint Reed Claybrook to the Zoning Board of Adjustments; 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.

PUBLIC COMMENT

73. 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.)

Shirley Howard reported that the conference of the National Negro Professional Business Women will be held in Midland in March of 2020. She asked for Council's help with donations.

EXECUTIVE SESSION

74. 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 551.071, Consultation with Attorney
 - a.1. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

Mayor Morales recessed the meeting to go to Executive Session at 12:10 p.m.

All the business at hand having been completed, the meeting adjourned at 1:00 p.m.

PASSED AND APPROVED the 9th day of April 2019.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary