

**MIDLAND CITY COUNCIL
MINUTES
May 22, 2018**

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., May 22, 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), and Council Member Sharla Hotchkiss (District 3).

Council Members absent: Council Member J.Ross Lacy (District 4).

Staff members present at the annex table: City Attorney John Ohnemiller and Assistant City Manager Robert Patrick.

The Agenda Items were heard in the following order: 1-4, 6-13, 15-16, 18-20, 5, 14, 17, 21-41.

Mayor Morales called the meeting to order at 10:02 a.m.

OPENING ITEMS

1. Invocation - Senior Pastor Steve Schorr, First Presbyterian Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to: None.

CONSENT AGENDA

Council Member Robnett moved to approve Consent Agenda items 4 - 20 excluding 5, 14, 17; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

4. Approved a motion approving the following minutes:
 - a. Regular meeting of May 8, 2018
6. Approved a resolution authorizing reallocation of certain Community Development Block Grant funds from previous program years to the Community Development Block Grant Fund Program Year 2017-2018 in the amount of \$99,000.43. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 180

RESOLUTION AUTHORIZING AND APPROVING A REDUCTION OF THE AUTHORIZED BUDGETS FOR THE 2015 SENIOR NUTRITION PROGRAM BY \$10,000.00, THE 2015 GREENWOOD DEVELOPMENT PROJECT BY \$20,000.43, THE 2016 OHAP MAJOR PROGRAM BY \$20,000.00, THE 2014 OHAP MAJOR PROGRAM BY \$19,000.00, AND THE 2016 CONTINGENCY BY \$30,000.00, AN INCREASE OF THE AUTHORIZED BUDGET FOR THE CDBG 2017 GREENWOOD INFRASTRUCTURE IMPROVEMENT PROJECT BY \$99,000.43, AND THE TRANSFER OF FUNDS TO EFFECT THE SAME

7. Approved a resolution awarding a contract for the Fiscal Year 2018 Community Development Block Grant (CDBG) Sidewalk Project for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 181

RESOLUTION AWARDED A CONTRACT FOR THE FISCAL YEAR 2018 COMMUNITY DEVELOPMENT BLOCK GRANT SIDEWALK PROJECT TO SPEEDCRETE, INC. IN THE AMOUNT OF \$429,100.00; APPROVING \$5,784.63 FOR CONTINGENCIES; AND AUTHORIZING PAYMENT THEREFOR

8. Approved a resolution awarding professional services agreements for on-call engineering services for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 182

RESOLUTION APPROVING THE SELECTION OF MAVERICK ENGINEERING, PARKHILL, SMITH & COOPER, INC. AND KIMLEY-HORN AND ASSOCIATES, INC. TO ASSIST THE ENGINEERING SERVICES DEPARTMENT BY PROVIDING PROFESSIONAL ENGINEERING SERVICES, ARCHITECTURE SERVICES, LANDSCAPE ARCHITECTURE SERVICES, LAND SURVEYING SERVICES, REAL ESTATE APPRAISING SERVICES, AND SERVICES PROVIDED IN CONNECTION THEREWITH ON AN AS-NEEDED BASIS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH EACH FIRM; PROVIDING THAT EACH AGREEMENT SHALL BE FOR A TERM NOT TO EXCEED THREE YEARS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF TASK ORDERS IN ACCORDANCE WITH SUCH AGREEMENTS; PROVIDING THAT THE PAYMENT FOR EACH TASK ORDER EXECUTED IN ACCORDANCE WITH SUCH AN AGREEMENT SHALL NOT EXCEED \$150,000.00; PROVIDING THAT THE TOTAL COST TO THE CITY FOR ALL TASK ORDERS EXECUTED EACH YEAR IN ACCORDANCE WITH EACH AGREEMENT SHALL NOT EXCEED \$300,000.00 PER AGREEMENT PER YEAR; AND AUTHORIZING PAYMENT THEREFOR

9. Approved a resolution authorizing an agreement for the sole source purchase for Cityworks Server and ArcGIS Enterprise hosting from NewEdge Services LLC of Frisco, Texas for a not to exceed cost of \$51,000.00 for one (1) year with two (2) possible renewals at \$48,500.00 for each additional year for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 183

RESOLUTION APPROVING AN AGREEMENT WITH NEWEDGE SERVICES, LLC OF FRISCO, TEXAS, FOR THE SOLE SOURCE PURCHASE OF CITYWORKS SERVER AND ARCGIS ENTERPRISING CLOUD HOSTING SERVICES AT A TOTAL COST NOT TO EXCEED \$51,000.00

10. Approved a resolution authorizing an agreement for the sole source purchase of licensing and software maintenance support for Cityworks software from Azteca Systems, Inc. of Sandy, Utah for a total cost of \$185,218.00 for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2018 - 184

RESOLUTION APPROVING AN AGREEMENT WITH AZTECA SYSTEMS, LLC OF SANDY, UTAH, FOR THE SOLE SOURCE PURCHASE OF CITYWORKS SOFTWARE LICENSING AND MAINTENANCE AT A TOTAL COST OF \$185,218.00

11. Approved a resolution approving the purchase of five thousand (5,000) tons of Flexible Base Caliche from CSA Materials, Inc. through TxSmartBuy contract 748-W1 for a total cost of \$68,710.50 for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2018 - 185

RESOLUTION APPROVING THE PURCHASE AND DELIVERY OF FLEXIBLE BASE CALICHE FOR THE TRANSPORTATION DIVISION FROM CSA MATERIALS, INC., THROUGH TXSMARTBUY AT A TOTAL COST OF \$68,710.50

12. Approved a resolution approving the purchase of five hundred fifty (550) tons of Gypsum for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 186

RESOLUTION APPROVING THE PURCHASE OF FIVE HUNDRED FIFTY (550) TONS OF GYPSUM FROM BWI COMPANIES, INC., FOR THE SPRABERRY FARM AND PLANT FARM AT A TOTAL COST OF \$144,210.00

13. Approved a resolution awarding a contract for the purchase and installation of a modular restroom facility at Dennis the Menace Park from Restroom Facilities Limited through Buyboard Contract 512-16 for a total cost of \$152,246.00 for the Parks Division. (PURCHASING)

RESOLUTION NO. 2018 - 187

RESOLUTION AUTHORIZING A CONTRACT FOR THE PURCHASE AND INSTALLATION OF A MODULAR RESTROOM FACILITY AT DENNIS THE MENACE PARK FROM RESTROOM FACILITIES LTD THROUGH BUYBOARD AT A TOTAL COST OF \$152,246.00

15. Approved a resolution awarding the project described as Lavatory Disposal Station and Concrete Pavement (900204) at Midland International Air & Space Port to Boler Equipment Service, Inc. of Midland, Texas, and appropriating the necessary funds. (AIRPORTS)

RESOLUTION NO. 2018 - 189

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH BOLER EQUIPMENT SERVICES, INC., IN AN AMOUNT NOT TO EXCEED \$189,300.00 FOR THE LAVATORY DISPOSAL STATION AND CONCRETE PAVEMENT PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS FOR SAID PROJECT

16. Approved a resolution authorizing the Midland Chamber of Commerce to hold the annual Star Spangled Salute at Hogan Park, authorizing the sale and consumption of alcohol and authorizing the City Manager or his designee to notify the Texas Alcoholic Beverage Commission of the permission granted. (COMMUNITY SERVICES)

RESOLUTION NO. 2018 - 190

RESOLUTION AUTHORIZING THE MIDLAND CHAMBER OF COMMERCE TO HOLD THE ANNUAL STAR SPANGLED SALUTE AT HOGAN PARK ON JULY 4, 2018; AND AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT SAID EVENT

18. Approved a resolution accepting a drainage easement from Kenneth V. Huseman Family Partnership, L.P., for the purpose of conveying storm water runoff associated with an office/storage development. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 192

RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN APPROXIMATE 0.68-ACRE DRAINAGE EASEMENT LOCATED IN SECTION 12, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

19. Approved a resolution authorizing the City Council to create a Capital Improvements Advisory Committee and establishing duties, qualifications, terms of office, methods for filling vacancies, and related organizational matters. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 193

RESOLUTION CREATING A CAPITAL IMPROVEMENTS ADVISORY COMMITTEE AND ESTABLISHING DUTIES, QUALIFICATIONS, TERMS OF OFFICE, METHODS FOR FILLING VACANCIES, AND RELATED ORGANIZATIONAL MATTERS

20. Approved a resolution granting two guy line easements, being a 0.015-acre easement and a 0.017-acre easement, located approximately 1,300 feet northwest of the intersection of SCR 1150 and I-20, for the purpose of allowing Oncor Electric Delivery Company LLC to construct and maintain two electric pole guy lines. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 194

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, AN INSTRUMENT GRANTING A UTILITY EASEMENT AND RIGHT-OF-WAY LOCATED IN AN APPROXIMATE 0.015-ACRE TRACT OF LAND AND AN APPROXIMATE 0.017-ACRE TRACT OF LAND OUT OF SECTION 44, BLOCK 38, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, TO ONCOR ELECTRIC DELIVERY COMPANY LLC

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

5. Consider a resolution awarding an agreement for professional architectural and engineering services for the construction of a new animal shelter and demolition of the existing animal shelter for the Animal Services Division. (PURCHASING)

RESOLUTION NO. 2018 - 179

RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR THE CONSTRUCTION OF A NEW ANIMAL SHELTER TO QUORUM ARCHITECTS, INC., IN THE AMOUNT OF \$476,200.00; AND APPROPRIATING FUNDS THEREFOR

Council Member Sparks asked why the cost of design was so high and inquired as to the expected cost of the shelter. Animal Services Manager Leah Lewis reported the

shelter is expected to cost about \$5 million. The design cost is typically about 10% of the construction cost. The cost of construction documents was questioned. It was noted that Council Member Robnett and Hotchkiss will serve with City management on working through the agreement before it is signed.

Ms. Lewis reported that the shelter will be between 10,000 and 14,000 square feet and will be determined based on the needs assessment. She also explained that they have moved from being animal control to animal services and do adoptions, rescues and offer responsible pet owner classes. There are other partners who are interested in joining Midland on the project. This will be a regional facility and will include a medical component in conjunction with Texas Tech.

David Duman, Fort Worth, reported he was with Quorum Architects. His firm specializes in animal services and they have designed over 40 animal shelter projects throughout Texas. When asked why this building will cost so much he clarified that there are several specialized systems in an animal services building including special epoxy flooring that can withstand harsh chemicals, plumbing throughout the facility with special floor drains, HVAC systems that can circulate the air well but keep it contained in sections to prevent cross contamination, and it will have stainless steel equipment and kennels throughout the facility. The building will be built to last 30-50 years and provide flexibility. He discussed the timeline noting it would take about six months for design and about a year for construction.

Council Member Robnett moved to adopt Resolution No. 2018 - 179; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Robnett. NAY: Sparks. ABSTAIN: None. ABSENT: Lacy.

14. Consider a resolution approving the purchase of equipment to outfit twenty-two (22) police package vehicles from Cap Fleet Upfitters through Buyboard contract 524-17 for a total cost of \$331,193.17 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 188

RESOLUTION APPROVING THE PURCHASE AND INSTALLATION OF EQUIPMENT TO OUTFIT TWENTY-TWO (22) POLICE-PACKAGE VEHICLES FOR THE GARAGE DIVISION FROM CAP FLEET UPFITTERS, LLC, THROUGH BUYBOARD AT A TOTAL COST OF \$331,193.17

Council Member Sparks suggested that in the future the purchase and equipping of vehicles be placed on the same agenda.

Council Member Love moved to adopt Resolution No. 2018 - 188; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

17. Consider a resolution accepting funds from the 2018 Texas "J" Regional Advisory Council Grant. (FIRE)

RESOLUTION NO. 2018 - 191

RESOLUTION ACCEPTING A GRANT AWARD FROM THE TEXAS "J" REGIONAL ADVISORY COUNCIL IN THE AMOUNT OF \$14,774.00, FOR FUNDS TO BE USED BY THE MIDLAND FIRE DEPARTMENT FOR TRAINING, EQUIPMENT, AND SUPPLIES

Council Member Hotchkiss pointed out this item is for receiving grant money. Fire Chief Chuck Blumenauer reported the money is based on the number of trauma runs made by the department and is pass through money that is to be used for department training.

Council Member Love moved to adopt Resolution No. 2018 - 191; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

SECOND READINGS

21. Consider an ordinance on second reading on a request by Bobby Cox dba Rosa's Café Tortilla Factory #14 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 southeast corner of the intersection of South Rankin Highway and West Stokes Avenue. (DEVELOPMENT SERVICES) (First reading held May 8, 2018)

ORDINANCE NO. 9760

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 13, BLOCK 41, BELMONT ADDITION, SECTION 24, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH RANKIN HIGHWAY AND WEST STOKES AVENUE), 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. 9760.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9760 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

22. Consider an ordinance on second reading on a request by Oishii Sushi & Hibachi, for a Specific Use Permit with Term, for the sale of all alcohol beverages for on-premises consumption in a restaurant generally located at the northeast corner of North Midkiff Road and West Loop 250 North. (DEVELOPMENT SERVICES) (First reading held May 8, 2018)

ORDINANCE NO. 9761

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4,189-SQUARE FOOT PORTION OF LOT 4A, BLOCK 1, NORTH PARK ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND WEST LOOP 250 NORTH), 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 Misty Cryer read the caption of Ordinance No. 9761.

Council Member Love moved to approve the second and final reading of Ordinance No. 9761 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

23. Consider an ordinance on second reading on a request by Mesquite Terrace Apartments 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 at the southeast corner of South Loop 250 West and Leisure Drive. (DEVELOPMENT SERVICES) (First reading held May 8, 2018)

ORDINANCE NO. 9762

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 161, AND LOT 2A, BLOCK 165, WILSHIRE PARK ADDITION, SECTION 9, 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 AT THE SOUTHEAST 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

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9762.

Council Member Love moved to approve the second and final reading of Ordinance No. 9762 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

24. Consider an ordinance on second reading on a request by Calvin Wood, for a zone change from a PD, Planned District for a Shopping Center to LR-2, Local Retail District generally located at the northwest corner of Briarwood Avenue and Northcrest Drive. (DEVELOPMENT SERVICES) (First reading held May 8, 2018)

ORDINANCE NO. 9763

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 18E, BLOCK 14, BRIARWOOD ADDITION, SECTION 20, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE

INTERSECTION OF BRIARWOOD AVENUE AND NORTHCREST 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. 9763.

Council Member Love moved to approve the second and final reading of Ordinance No. 9763 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

25. Consider an ordinance on second reading on a request by Mario's Spanish Inn 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 west side of Thomason Drive, approximately 320 feet south of Anetta Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9764

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 93, PERMIAN ESTATES, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF THOMASON DRIVE, APPROXIMATELY 320 FEET SOUTH OF ANETTA DRIVE), WHICH IS PRESENTLY ZONED LR-3, 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 Misty Cryer read the caption of Ordinance No. 9764.

Council Member Love moved to approve the second and final reading of Ordinance No. 9764 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

26. Consider an ordinance on second reading for a request by Kim Rivera for a Zone Change from PD, Planned District for Mixed Use Development to LR-2, Local Retail District generally located on the west side of North Big Spring Street, approximately 100 feet south of West Pine Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9765

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2, BLOCK 12, KELVIEW HEIGHTS, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE AND SHOPPING CENTER AS A TRANSITION DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 100 FEET SOUTH OF

WEST PINE 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. 9765.

Council Member Love moved to approve the second and final reading of Ordinance No. 9765 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

27. Consider an ordinance on second reading on a request by Ed Ostrom for a Zone Change from a PD, Planned District for a Shopping Center to an Amended Planned District for a Shopping Center, generally located on the east side of Westridge Boulevard, approximately 445 feet south of Deauville Boulevard. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9766

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 6A, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 24, 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 EAST SIDE OF WESTRIDGE BOULEVARD, APPROXIMATELY 445 FEET NORTH OF DEAUVILLE BOULEVARD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9766.

Council Member Love moved to approve the second and final reading of Ordinance No. 9766 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

28. Consider an ordinance on second reading on a request by L.C. Polk Jr., for a Specific Use Permit with Term for the sale of all alcoholic beverages for on premise consumption, in a bar and lounge, generally located on the southwest corner of East Illinois and North Lee Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9767

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS 1 AND 2, BLOCK 24, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF EAST ILLINOIS AVENUE AND NORTH LEE 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 BAR AND LOUNGE 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. 9767.

Council Member Love moved to approve the second and final reading of Ordinance No. 9767 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

PUBLIC HEARINGS

29. Hold a public hearing and consider an ordinance on request by Landgraf, Crutcher & Associates for a Zone Change from PD, Planned District for a Transition District; O-1, Office District; and O-2, Office District, to C-1, Central Area District, generally located southwest of the intersection of North Pecos Street and West Louisiana Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9768

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING THE EAST HALF OF BLOCK 32, THE SOUTH 75 FEET OF THE SOUTHWEST QUARTER OF BLOCK 32, BLOCK 36, AND THE EAST HALF OF BLOCK 49, HOMESTEAD ADDITION, LOT 1, BLOCK 32, HOMESTEAD ADDITION, SECTION 5, AND LOT 1, BLOCK 37, HOMESTEAD ADDITION, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT, IN PART, O-1, OFFICE DISTRICT, IN PART, AND O-2, OFFICE DISTRICT, IN PART, TO BE USED AS A C-1, CENTRAL AREA DISTRICT (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH PECOS STREET AND WEST LOUISIANA 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. 9768.

Planning Division Manager Jeremy McNeil gave a brief overview of the item noting it is for a zone change to C-1 to develop an office building and parking garage. The item is consistent with the regulations and compatible with uses and developments in the area. The item was reviewed by pertinent City departments with no objection. The item is in compliance with the comprehensive plan. One letter of objection was received. Staff recommends approval.

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

John Landgraf, Odessa, reported they were cleaning up the zoning to consolidate all zoning of the area for continued development.

Doug Page, 611 W. Estes, reported it is less restrictive zoning for some areas and that C-1 has no height restriction. He asked how tall the proposed building would be noting he would not object to anything consistent with what is in the area or about ten stories.

John Landgraph reported the initial phase and parking garage are in scale with other development in the area.

Scott Kidwell, 3105 Humble, reported the project would not exceed ten stories. He also reported the closest residential is on the other side of A Street or north of Louisiana.

Cindy Klatt, 408 N. Pecos, reported she has a small company in a one-story building across the street on Pecos. They do not like all of the giant buildings going up around them. If they build it like the building to the south she would not object as long as it does not go into the street including overhanging the street since the streets belong to the public. When asked why she objects to taller buildings she reported she is afraid of people crashing into the buildings.

Georgia Temple, 501 W. Scharbauer, is on a non-profit board that owns the building located at 710 N. Ohio. She looked at their design and it shows the building going into Tennessee Street. They are also planning a 3-1/2 story parking garage and will be closing San Angelo for parking for the church. The Tennessee building will also have a walkway on the second story to the parking garage across the street. She wants to be a good neighbor but she also wants Concho to be a good neighbor and is amazed they have made a plan on the assumption that they can close the block noting the streets belong to the citizens. When asked what hardship closing that portion of the street would bring she reported she would have to find another way to get to work and felt it would push more people into the school crossing zone.

There being no one else wishing to speak, the public hearing was closed at 10:48 a.m.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9768 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

30. Hold a public hearing and consider an ordinance on a request by COG Realty LLC for a vacation of the 0.138-acres portion of the alley right-of-way, generally located approximately 140 feet east of San Angelo Street, between West Michigan Avenue and West Tennessee Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9769

AN ORDINANCE VACATING AND ABANDONING A 0.138-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 36, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 140 FEET EAST OF SAN ANGELO STREET, BETWEEN WEST MICHIGAN AVENUE AND WEST TENNESSEE AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$7,514.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9769.

Planning Division Manager Jeremy McNeil gave a brief overview of the item noting the applicant is requesting abandonment of an alley right-of-way and will maintain the easement for all utility companies. This item was circulated to all pertinent departments and utility companies. The alley contains water and sewer and several utility companies

have utilities in the alley. No letters of objection were received and staff recommends approval subject to conditions A-C.

Mayor Morales opened the public hearing at 10:51 a.m.

John Landgraph, 521 N. Texas, reported they have been in multiple discussions about closing streets and alleys with all utility companies. They are in master planning and working on the whole big area. The water line will be rerouted around the easement and the utility companies have decided that Carrizo makes the most sense. The reason the alley is being vacated is because the entire block will become a parking garage. They worked with traffic engineering and their next item is to close a portion of San Angelo. They will be taking the church parking lot and building a parking lot for them in the area where San Angelo currently sits emphasizing this street is already a dead end.

Doug Page, 611 W. Estes, reported his understanding is the public owns the alley and not the City. He doesn't object but felt that money was being left on the table. Usually MCAD appraises property at \$2/square foot and the City is only asking for \$1.25 a square foot.

There being no one else wishing to speak, the public hearing was closed at 10:58 a.m.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9769 in accordance with the Charter of the City of Midland with the amendment to change the value to \$2 per square foot; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

31. Hold a public hearing and consider an ordinance on a request by COG Realty LLC/North A Church of Christ for a vacation of the 0.551-acre portion of the San Angelo Street right-of-way, generally located approximately 100 feet east of North A Street, between West Michigan Avenue and West Tennessee Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9770

AN ORDINANCE VACATING AND ABANDONING A 0.551-ACRE PORTION OF THE SAN ANGELO STREET RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 35 AND 36, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTH OF THE INTERSECTION OF SAN ANGELO STREET AND WEST MICHIGAN AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$30,000.00; RETAINING A UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9770.

Planning Development Manager Jeremy McNeil gave a brief overview of the item noting the applicant is requesting to vacate a .551-acre portion of San Angelo Street right-of-way to allow for parking for a church and additional building. The applicant will be required to maintain the easement for all utilities. This item was circulated to all pertinent departments and utility companies with no objections. Staff received no letters of objection and recommends approval.

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

Doug Page, 611 W. Estes, reported he had the same reasons as the previous item noting the City should ask for \$2 per square foot.

There being no one else wishing to speak, the public hearing was closed at 11:01 a.m.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9770 in accordance with the Charter of the City of Midland with the amendment to change the value to \$2 per square foot; seconded by Council Member Robnett.

Council Member Dufford suggested that Concho could appraise the land before the second reading.

Mark Wellen, 1102 W. Texas, clarified that for future conversations, it's not about money, Concho will pay whatever they are asked to pay. He wanted to clarify that in the alley they are purchasing the surface and subsurface. On Carrizo, the City will retain the easement so the value isn't the same.

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

32. Hold a public hearing and consider an ordinance on a request by Landgraf, Crutcher & Associates for a vacation of the 0.26-acre portion of West Tennessee Avenue generally located 160 feet east of San Angelo Street, between the north-south alley right-of-way and South Carrizo Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9771

AN ORDINANCE VACATING AND ABANDONING A 0.26-ACRE PORTION OF WEST TENNESSEE AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 36 AND 49, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED WEST OF THE INTERSECTION OF WEST TENNESSEE AVENUE AND SOUTH CARRIZO STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$14,000.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9771.

Planning Division Manager Jeremy McNeil gave a brief overview of the item noting the applicant is requesting to vacate a portion of W. Tennessee right-of-way to Concho for their master plan similar to the other two vacations. The applicant is required to maintain the easement. The item has been circulated to all relevant departments and utility companies with no objection. Two letters of objection have been received. Staff recommends approval subject to conditions A-C.

Council Member Love asked about arterial roads and traffic flow. Traffic Engineer Mike Pacelli explained that arterial streets are larger and include A and Big Spring. They carry regional traffic and have larger volumes and higher speeds in and out of downtown. Collector streets, including Louisiana and Michigan have lower speeds and more access, but still move large volumes. Local streets including Carrizo, Pecos, and Tennessee provide primary access to properties. When developers can show that closing local streets improve access to the property or improves the development, the

City is receptive to closing those streets. When a developer owns many blocks and can make a better development, it usually doesn't reflect on the overall traffic noting more than 90% of the traffic is generated by the owner of the property. His concern is to ensure that there is turn around area for delivery and fire trucks.

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

Georgia Temple, reported that the residents across A Street use Tennessee and again expressed concern for pushing traffic into the school zone. She expressed concern for closing blocks and asked Council to stop inconveniencing the people who live and work in the area. She expressed concern for Concho's assumption that they could build into the street.

Cindy Klatt, 408 N. Pecos, reported she personally appreciates Concho bringing people in and making the City better. Her husband is a retired fireman and it is always a concern of the Fire Department whenever a street is closed because it makes it more difficult to get around. She urged that they leave the street open and instead just do a walkway overhead.

Doug Page, 611 W. Estes, was against closing Tennessee noting the streets were originally designed in the 1940s or 1950s when the population was only 30,000. He suggested that closing a street will push more traffic onto already overcrowded and under-designed streets. He suggested that COG has the money and the City should require them to pay \$2 per square foot.

There being no one else wishing to speak, the public hearing was closed at 11:24 a.m.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9771 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Council Member Love reported that the Fire Department reviewed the plan and has no concern. He is excited that new development will generate more taxes which helps keep residential property taxes lower.

Engineering Services Director Jose Ortiz was asked about the utility right-of-way. He reported that an easement allows utility services to stay in that section and the area should be kept open for accessing the facilities. He also noted this is a multi-modal area and will remain open to pedestrian and bicycle traffic and will only be closed to vehicular traffic.

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

Mayor Morales recognized guests in the audience from Boy Scout Troop 232 who were working on merit badges.

33. Hold a public hearing and consider an ordinance on a request by Kevin Patel for a zone change from a LR-2, Local Retail District to O-2, Office District, generally located on the east side of Camp Drive approximately 250 feet north of the intersection of Camp Drive and Crump Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9772

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 7, BLOCK 2, AMARON ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF CAMP DRIVE, APPROXIMATELY 250 FEET NORTH OF CRUMP STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9772.

Planning Division Manager Jeremy McNeil gave a brief overview of the item noting it is a request to change the zoning to O-2 Office District for a four-story hotel. The applicant will be required to adhere to all site plan standards. The item was circulated to all pertinent departments for review with no objections. No letters of objection were received and staff recommends approval of the item subject to condition A.

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 Love moved approval of the first of two readings of Ordinance No. 9772 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford, Lacy.

34. Hold a public hearing and consider an ordinance on a request by Clark Inc. for a zone change from 1F-2, One-Family Dwelling District, to O-1, Office District generally located at the southeast corner of the intersection of Thomason Drive and South Midland Drive. (Planning Admin)

ORDINANCE NO. 9773

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 64, PERMIAN ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF THOMASON DRIVE AND SOUTH MIDLAND DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9773.

Planning Division Manager Jeremy McNeil gave a brief overview of the item noting it was to change the zoning to O-1 Office District to allow for an office building in the old fire station that is currently vacant. The item was circulated to all relevant departments with no objections. One letter of objection has been received and staff recommends approval subject to condition A. He clarified that it will be for one office.

Mayor Morales opened the public hearing at 11:35 a.m.

Andrew Mellon, Maverick Engineering, reported it is for Clark Oil and Gas. They have no plans to change anything on the exterior. They will use the garage for parking and will make modifications to the interior for their purpose.

There being no one else wishing to speak, the public hearing was closed at 11:36 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9773 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

35. Hold a public hearing and consider a resolution on a request by San Miguel Arcangel Catholic Church for a Temporary Land Use Permit for a church annual family fair. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 195

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH FAMILY FAIR ON LOT 1A, BLOCK 19, MIDLAND HEIGHTS ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST DAKOTA AVENUE AND CAMP STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Planning Division Manager Jeremy McNeil gave a brief overview of the item noting it is for a church fair to be held July 14 -15. The event will have live music, food, restrooms, and six peace officers. The item was circulated to all relevant departments with no objections. Staff recommends approval subject to conditions A-I.

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 Love moved to adopt Resolution No. 2018 - 195; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

36. Hold a public hearing and consider an ordinance on a request by Kali A. Davis, for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant generally located north of Spring Park Drive, approximately 363 feet east of North Big Spring Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9774

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 6,052-SQUARE FOOT PORTION OF LOT 1B, BLOCK 2, CORPORATE PLAZA ADDITION, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF SPRING PARK DRIVE, APPROXIMATELY 363 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 Misty Cryer read the caption of Ordinance No. 9774.

Planning Division Manager Jeremy McNeil gave a brief overview of the item noting this request is for a Specific Use Permit for the sale of alcoholic beverages in a shooting range. The café will be open Monday through Saturday from 11:00 a.m. to 6:30 p.m. and has a total square footage of 6,052 square feet but only 3,520 square feet is dedicated to alcohol service. The applicant is requesting service hours from 11:00 a.m. to 12:00 a.m. There are no schools or churches within 300 feet. The item has been circulated to all relevant departments with no objection. No letters of objection have been received and staff recommends approval subject to conditions A-G.

Mayor Morales opened the public hearing at 11:40 a.m.

David Smith, 400 W. Illinois, reported he is a lawyer representing the café. The café is located in a building that has a shooting range. The café is 3,000 square feet of the 60,000 square foot facility. He emphasized the café is not open to the public and is a members only facility that can also be rented for events. He explained some of the safety measures they are implementing including requirements to check weapons upon entrance and taking a person's membership card so they won't have access to the range. Every employee in the facility will be TABC trained.

There being no one else wishing to speak, the public hearing was closed at 11: 48 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9774 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

Mayor Morales noted the item will be monitored for the first six months.

37. Hold a public hearing and consider a request by Michael Fleck for a zone change from PD, Planned District for Shopping Center, to a PD, Amended Planned District for a Shopping Center generally located on the south side of Faulkner Drive, approximately 170 feet west of North Garfield. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9775

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 28, PLANTATION HILLS, SECTION 14, 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 SOUTH SIDE OF FAULKNER DRIVE, APPROXIMATELY 170 FEET WEST OF NORTH GARFIELD STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9775.

Planning Division Manager Jeremy McNeill gave a brief overview of the item noting the applicant is requesting an amended PD for a Shopping Center to add an addition to Occasions Fine Jewelry on Loop 250. They are proposing a 1,238 square foot addition to the north side of their building. They will pour new concrete on the northwest portion of the building to address automobile traffic. The item was reviewed by all pertinent departments with no objection. No letters of objection were received. Staff recommends approval subject to conditions A-C.

Mayor Morales opened the public hearing at 11:50 a.m.

Michael Fleck, 2308 W. Loop 250, reported he is with Occasions Fine Jewelry. The expansion is mainly for their inventory and accounting department noting they need more room.

There being no one else wishing to speak, the public hearing was closed at 11:51 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9775 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

38. Hold a public hearing and consider a resolution on a request by Lisa J. Grissom for approval of a Temporary Land Use Permit for a Music Festival generally located at the intersection of South Loraine Street and West Missouri Avenue. (Planning Admin)

RESOLUTION NO. 2018 - 196

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A MUSIC FESTIVAL ON A 0.70-ACRE PORTION OF SOUTH LORAIN STREET RIGHT-OF-WAY ADJACENT TO BLOCKS 65, 66, 85, AND 86, AND A 0.51-ACRE PORTION OF WEST MISSOURI AVENUE RIGHT-OF-WAY ADJACENT TO BLOCKS 65, 66, 85, AND 86, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE INTERSECTION OF SOUTH LORAIN STREET AND WEST MISSOURI AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Planning Division Manager Jeremy McNeil gave a brief overview of the item noting it is for a Temporary Land Use Permit for Tall City Blues Fest that will be held Friday, July 6 from 7:00 a.m. to 12:00 a.m. and Saturday, July 7 from 7:00 a.m. to 12:00 a.m. The event will consist of three venues, a VIP area, a silent art auction, an educational workshop, VIP valet parking and general admission parking. They will have the sale of alcoholic beverages both days. They will provide 20 restrooms and 8 security officers on site. The applicant is requesting to close a portion of South Loraine and West Missouri from 8:00 a.m. on July 5 and reopen at 12 midnight on July 8. The item has been reviewed by the required departments with no objection. Staff received one letter of objection and staff followed up clarifying that the person will have access to their parking garage. Staff recommends approval subject to conditions A-K.

Mayor Morales opened the public hearing at 11:54 a.m.

Lisa Grissom, reported the layout is essentially the same as the previous year.

There being no one else wishing to speak, the public hearing was closed at 11:54 a.m.

Council Member Love moved to adopt Resolution No. 2018 - 196; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

MISCELLANEOUS

39. Consider an ordinance amending the budget for the purpose of adding additional funds to six (6) line items in the Animal Services Division budget for a total of \$140,600.00. (COMMUNITY SERVICES)

ORDINANCE NO. 9776

AN ORDINANCE AMENDING THE OFFICIAL MUNICIPAL BUDGET FOR FISCAL YEAR 2017-2018 IN ORDER TO PROVIDE ADDITIONAL FUNDS TO THE ANIMAL SERVICES DIVISION; THE ADDITIONAL FUNDING PROVIDED WILL BE USED TO COVER INCREASED ANIMAL CARE COSTS

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9776.

Animal Services Manager Leah Lewis reported that their budget has not been meeting their needs for the last couple of years, mainly in medical supplies and the voucher program. Council Member Love asked that staff do a better job during the budget process. Assistant City Manager Robert Patrick reported that staff was required to cut budgets in the last two years and this department was probably cut too deeply. He noted that Leah is doing a great job. Mayor Morales suggested that a meeting be set up with the new County Judge to discuss County participation in the City's animal services.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9776 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

PUBLIC COMMENT

40. 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.)

Colvin Domingo, 3407 Princeton, suggested the City could save money in the budget by picking which gender of animals are allowed in the City such as only allow male dogs and this would control the animal population. He asked that the City give him money for his idea so he could share those funds with his church. He also had other ideas for traffic. Council suggested he put his ideas in writing or speak directly with a Council Member.

EXECUTIVE SESSION

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

a. Section 551.072, Deliberation Regarding Real Property

a.1. Discuss the sale, exchange, lease, or value of real property described as approximately 2,642 acres, being all of Sections 33, 34 and 36, Block 38, T-1-S, T&P RR Co. Survey, Martin County, Texas, and portions of Sections 5 and 8, Block 38, T-1-S, T&P RR Co. Survey, Martin and Midland Counties, Texas.

Mayor Morales recessed the meeting to Executive Session at 12:05 p.m.

All of the business at hand having been completed, the meeting adjourned at 12:50 p.m.

PASSED AND APPROVED the 12th day of June, 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary