

**MIDLAND CITY COUNCIL
MINUTES
May 28, 2019**

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., May 28, 2019.

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

Council Members absent: Council Member Spencer Robnett (At-Large).

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

The Agenda Items were heard in the following order: 1-6, 8-12, 7, 13-32.

Mayor Morales called the meeting to order at 10:01 a.m.

OPENING ITEMS

1. Invocation - Pastor Bob Pase, Grace Lutheran
2. Pledge of Allegiance

A moment of silence was observed in memory of Sheriff Painter.

PRESENTATIONS

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

Council Member Lacy recognized Building Official Steve Thorpe who is retiring May 31, 2019.

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 4 - 12 excluding 7; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

4. Approved a motion approving the following minutes:
 - a. Regular City Council minutes of May 14, 2019.
5. Approved a resolution awarding annual master agreements for the purchase of uniforms for the Police Department. (PURCHASING)

RESOLUTION NO. 2019 - 159

RESOLUTION AUTHORIZING THE EXECUTION OF THREE MASTER AGREEMENTS FOR THE PURCHASE OF AN ANNUAL SUPPLY OF UNIFORMS FOR THE POLICE DEPARTMENT FROM GALLS, LLC, GT DISTRIBUTORS, INC., AND A-1 SIGN AND GRAPHIC SOLUTIONS, INC., AT A TOTAL COST OF \$84,300.00

6. Approved a resolution awarding an agreement for the purchase and installation of accident reconstruction software and equipment to Faro Technologies, Inc. through General Services Administration (GSA) contract GS-07F-197GA for a cost of \$106,768.68 for the Police Department. (PURCHASING)

RESOLUTION NO. 2019 - 160

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH FARO TECHNOLOGIES, INC., FOR THE PURCHASE AND INSTALLATION OF ACCIDENT RECONSTRUCTION HARDWARE AND SOFTWARE THROUGH THE FEDERAL GOVERNMENT SERVICES ADMINISTRATION AT A TOTAL COST OF \$106,768.68

8. Approved a resolution awarding a professional services agreement to Parkhill, Smith & Cooper, Inc. for professional services to assist with the design, bidding and construction phase of the potable waterline extension from San Andres Road to Business 20 for a cost of \$114,680.00 plus \$28,670.00 in contingencies for an amount not to exceed \$143,350.00 for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 162

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., TO ASSIST WITH THE DESIGN, BIDDING AND CONSTRUCTION PHASES OF THE POTABLE WATERLINE EXTENSION FROM SAN ANDRES ROAD TO BUSINESS 20 FOR THE UTILITIES DEPARTMENT, FOR AN AMOUNT NOT TO EXCEED \$114,680.00; AND APPROVING \$28,670.00 IN CONTINGENCIES

9. Approved a resolution to deny the Distribution Cost Recovery Factor (DCRF) application proposed by Oncor. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 163

RESOLUTION OF THE CITY OF MIDLAND, TEXAS, FINDING THAT THE APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY, LLC ("ONCOR") FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE § 25.243 TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY ONCOR; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO SEND COPIES OF THIS RESOLUTION TO ONCOR AND LEGAL COUNSEL FOR THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR

10. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Magellan Pipeline Company, L.P. (UTILITIES)

RESOLUTION NO. 2019 - 164

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND MAGELLAN PIPELINE COMPANY, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 9 AND 10, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR. CO. SURVEY, MIDLAND COUNTY, TEXAS

11. Approved a resolution authorizing and executing an Amendment to Right-of-Way License number 2018-356 between the City of Midland and Lucid Energy Delaware LLC. (UTILITIES)

RESOLUTION NO. 2019 - 165

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND LUCID ENERGY DELAWARE, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 22, 24 AND 25, BLOCK C23, PUBLIC SCHOOL LAND SURVEY, WINKLER COUNTY, TEXAS

12. Approved a resolution accepting a Dedication Deed of Right of Way from Storehouse Land Company, LLC. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 166

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 2.25-ACRE RIGHT-OF-WAY OUT OF SECTION 7, BLOCK 38, T-1-S, T&P RR CO. SURVEY, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

The following item was pulled from Consent Agenda and considered individually.

7. Consider a resolution awarding a contract for roof and exterior repairs for the Central Fire Station, City Hall, Municipal Garage and Golf Course buildings to Tommy Klein Construction through Buyboard Contract 520-16 for a cost of \$474,779.42 plus \$23,738.97 in contingencies for a total project cost of \$498,518.39 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 161

RESOLUTION APPROVING A CONTRACT WITH TOMMY KLEIN CONSTRUCTION, INC., FOR ROOFING AND EXTERIOR REPAIRS TO CITY-OWNED BUILDINGS THAT INCLUDE THE CENTRAL FIRE STATION, CITY HALL, VARIOUS GOLF COURSE BUILDINGS, AND THE MUNICIPAL GARAGE, THROUGH BUYBOARD, AT A TOTAL COST OF \$474,779.42; AND APPROVING \$23,738.97 FOR CONTINGENCIES

Council Member Lacy asked if a local company was being used. General Services Director Fred Reyes reported they are out of Lubbock and have worked on fire stations in Odessa and with the County. Council Member Lacy asked about the timeline. Mr. Reyes reported they will have 90 days to complete the project. They have worked on other projects and they come in ahead of schedule.

Council Member Lacy moved to adopt Resolution No. 2019 - 161; seconded by Council Member Trost. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

SECOND READINGS

13. Consider an ordinance on second reading on a request by Allan Cole Metcalf for a Special Exception from the City of Midland Zoning Ordinance, concerning the construction standards of detached accessory structures generally located on the northwest corner of the intersection of Pueblo and Ojibwa. (DEVELOPMENT SERVICES) (First reading held May 14, 2019)

ORDINANCE NO. 9919

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 11, BLOCK 3, 349 RANCH ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF PUEBLO AND OJIBWA), BY PERMITTING A METAL SKIN EXTERIOR ON A DETACHED ACCESSORY STRUCTURE THAT EXCEEDS 12 FEET IN HEIGHT AND THAT EXCEEDS 400 SQUARE FEET IN AREA; 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 Jan Hamilton read the caption of Ordinance No. 9919.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9919 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

14. Consider an ordinance on second reading 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 therein or associated therewith and similar provisions related to land use and development. (DEVELOPMENT SERVICES) (First reading held May 14, 2019)

ORDINANCE NO. 9920

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 THEREIN OR ASSOCIATED THEREWITH AND SIMILAR PROVISIONS RELATED TO LAND USE AND DEVELOPMENT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2019; AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9920.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9920 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

15. Consider an ordinance on second reading adopting the 2018 International Building Code, with amendments; as the building code of the City of Midland. (DEVELOPMENT SERVICES) (First reading held May 14, 2019)

ORDINANCE NO. 9921

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 1, "BUILDING CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2018 INTERNATIONAL BUILDING CODE AS THE BUILDING CODE OF THE CITY OF MIDLAND, TEXAS, FOR THE PURPOSE OF REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, EQUIPMENT, USE AND OCCUPANCY, LOCATION, MAINTENANCE, REMOVAL AND DEMOLITION OF BUILDINGS AND STRUCTURES OR ANY APPURTENANCE CONNECTED OR ATTACHED TO SUCH BUILDING OR STRUCTURE; PROVIDING FOR THE INSPECTION OF SAID BUILDINGS OR STRUCTURES, PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE CONSTRUCTION, ALTERATION, REPAIR, EQUIPMENT, USE AND OCCUPANCY, REMOVAL AND DEMOLITION OF SAID BUILDINGS OR STRUCTURES AND COLLECTION OF INSPECTION FEES THEREFOR; ESTABLISHING MINIMUM FLOOR ELEVATIONS FOR CERTAIN STRUCTURES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM FINE OR PENALTY OF TWO THOUSAND (\$2,000.00) DOLLARS; AND ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2019; AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9921.

Council Member Love moved to approve the second and final reading of Ordinance No. 9921 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

16. Consider an ordinance on second reading adopting the 2018 International Plumbing Code, with amendments; as the plumbing code of the City of Midland. (DEVELOPMENT SERVICES) (First reading held May 14, 2019)

ORDINANCE NO. 9922

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 3, "PLUMBING CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2018 INTERNATIONAL PLUMBING CODE AS THE PLUMBING CODE OF THE CITY OF MIDLAND FOR THE PURPOSE OF REGULATING THE INSTALLATION, ALTERATION, AND MAINTENANCE OF ALL PIPING AND PLUMBING WITHIN THE CORPORATE LIMITS OF THE CITY OF MIDLAND; PROVIDING FOR THE INSPECTION OF SAID PIPING AND PLUMBING; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE INSTALLATION OF SAID PIPING AND THE COLLECTION OF INSPECTION FEES THEREFOR; PROVIDING FOR THE BONDING OF PERSONS ENGAGED IN THE BUSINESS OF INSTALLING, REPAIRING AND MAINTAINING SAID PIPING OR PLUMBING; PROVIDING FOR APPEALS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2019; AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9922.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9922 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

17. Consider an ordinance on second reading adopting the 2018 International Fuel Gas Code, with amendments; as the gas code of the City of Midland. (DEVELOPMENT SERVICES) (First reading held May 14, 2019)

ORDINANCE NO. 9923

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 4, "GAS CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2018 INTERNATIONAL FUEL GAS CODE AS THE GAS CODE OF THE CITY OF MIDLAND; PROVIDING MINIMUM STANDARDS, PROVISIONS AND REQUIREMENTS FOR GAS PIPING AND APPLIANCES; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE INSTALLATION OF SAID PIPING AND APPLIANCES AND THE COLLECTION OF INSPECTION FEES THEREFOR; PROVIDING FOR BONDING OF PERSONS ENGAGED IN THE BUSINESS OF INSTALLING, REPAIRING AND MAINTAINING SAID PIPING AND APPLIANCES; REGULATING USE OF EXISTING PIPING AND APPLIANCES; PROVIDING FOR CERTIFICATES OF APPROVAL FOR PIPING WORK; PROVIDING FOR APPEALS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2019; AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9923.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9923 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

18. Consider an ordinance on second reading adopting the 2018 International Mechanical Code, with amendments; as the Mechanical Code of the City of Midland. (DEVELOPMENT SERVICES) (First reading held May 14, 2019)

ORDINANCE NO. 9924

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 10, "MECHANICAL CODE", OF THE CITY CODE OF MIDLAND, TEXAS, AND ADOPTING THE 2018 INTERNATIONAL MECHANICAL CODE AS THE MECHANICAL CODE OF THE CITY OF MIDLAND FOR THE PURPOSE OF PROVIDING MINIMUM STANDARDS, PROVISIONS AND REQUIREMENTS FOR SAFE INSTALLATION AND MAINTENANCE OF MECHANICAL SYSTEMS WITHIN THE CORPORATE LIMITS OF THE CITY OF MIDLAND, TEXAS; PROVIDING FOR THE INSPECTION OF SAID MECHANICAL SYSTEMS; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE INSTALLATION OF SAID MECHANICAL SYSTEMS AND THE COLLECTION OF INSPECTION FEES THEREFOR; PROVIDING FOR APPEALS; CONTAINING A

CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2019; AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9924.

Council Member Love moved to approve the second and final reading of Ordinance No. 9924 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

19. Consider an ordinance on second reading adopting the 2018 International Residential Code, with amendments; as the residential code of the City of Midland. (DEVELOPMENT SERVICES) (First reading held May 14, 2019)

ORDINANCE NO. 9925

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 11, "RESIDENTIAL CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2018 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, AS THE RESIDENTIAL BUILDING CODE FOR THE CITY OF MIDLAND, TEXAS, FOR THE PURPOSE OF REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF ONE-AND TWO-FAMILY DWELLINGS AND TOWNHOUSES IN THE CITY OF MIDLAND, TEXAS, PROVIDING FOR THE ISSUANCE OF PERMITS, THE REVIEW OF PLANS, THE INSPECTION OF FOOTINGS AND FOUNDATIONS AND FRAMING, THE COLLECTION OF INSPECTION FEES THEREFOR; PROVIDING FOR APPEALS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2019; AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9925.

Council Member Love moved to approve the second and final reading of Ordinance No. 9925 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

20. Consider an ordinance on second reading adopting the 2017 National Electrical Code, with amendments; as the electrical code of the City of Midland. (DEVELOPMENT SERVICES) (First reading held May 14, 2019)

ORDINANCE NO. 9926

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 2, "ELECTRICAL CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2017 NATIONAL ELECTRICAL CODE, SO AS TO MAKE A COMPREHENSIVE REVISION OF THE ELECTRICAL CODE OF THE CITY OF MIDLAND, TEXAS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A

SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2019; AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9926.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9926 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

PUBLIC HEARINGS

21. Hold a public hearing and consider an ordinance on a request by VIA Real Estate, LLC, for a zone change from PD, Planned District for a Housing Development, to BP, I-20 Business Park District on a 1.316-acre portion of land generally located on the southwest corner of the intersection of Cholla Road and Antelope Trail. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9927

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.316-ACRE PORTION OF LOT 1, BLOCK 2, SOUTHWEST CROSSING, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS A BP, I-20 BUSINESS PARK DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF CHOLLA ROAD AND ANTELOPE TRAIL); 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 Jan Hamilton read the caption of Ordinance No. 9927.

Planning Division Manager Cristina Odenborg gave a brief overview of the item noting it is for the development of a Family Dollar. It complies with the comprehensive plan, no letters of objection have been received and staff recommends approval. When asked about the existing map showing an apartment complex she explained it was originally approved as apartments but was never built.

Mayor Morales opened the public hearing at 10:17 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. 9927 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, Morales, Dufford, Lacy. NAY: Trost. ABSTAIN: None. ABSENT: Robnett.

22. Hold a public hearing and consider an ordinance on a request by Caiti Kincaid dba Strategic Restaurant Concepts, LLC, for a Zone Change from a PD, Planned District for a Shopping Center, to an Amended PD, Planned District for a Shopping Center

generally located on the south side of W. Loop 250 North, approximately 220 feet west of N. Midkiff Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9928

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 7, BLOCK 17, SKYLINE TERRACE, UNIT 7, 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 WEST LOOP 250 NORTH, APPROXIMATELY 220 FEET WEST OF NORTH MIDKIFF ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9928.

Planning Division Manager Cristina Odenborg gave a brief overview of the item noting this will allow them to extend the roof previously approved over the patio area. No letters of objection have been received and staff recommends approval. When asked if they would be required to fire sprinkle the area, Building Official Steve Thorpe confirmed they would be.

Mayor Morales opened the public hearing at 10:21 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. 9928 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

23. Hold a public hearing and consider an ordinance on a request by Lori Law dba The Lost Cajun, 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 south side of W. Wadley Avenue, approximately 312 feet east of Mark Lane. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9929

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 3G, BLOCK 6, SCOTSDALE ADDITION, SECTION 19, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 312 FEET EAST OF MARK LANE), 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 Jan Hamilton read the caption of Ordinance No. 9929.

Planning Division Manager Cristina Odenborg gave a brief overview of the item noting this would extend their alcohol service area to include the patio. They will operate on the same hours and days as previously granted. No letters of objection have been received and staff recommends approval.

Mayor Morales opened the public hearing at 10:22 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. 9929 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

24. Hold a public hearing and consider an ordinance on a request by Tony Frescaz dba Librado, for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on premises consumption in a restaurant, on northeast corner of the intersection of North Garfield and West Loop 250 North. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9930

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 6,549-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH GARFIELD STREET AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9930.

Planning Division Manager Cristina Odenborg gave a brief overview of the item noting it is for alcohol service at the former Wine Rack location with operating and alcohol service hours of Monday through Saturday from 11:00 a.m. to 12:00 a.m. and Sunday from 11:00 a.m. to 10:00 p.m. No letters of objection have been received and staff recommends approval subject to the conditions.

Mayor Morales opened the public hearing at 10:24 a.m.

Tony Frescas, 4312 Arroyo Drive, owner of Librado reported this is basically an upscale bar and grill. They will have steak and seafood and provide an area for night life. They will be open until midnight.

There being no one else wishing to speak, the public hearing was closed at 10:25 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9930 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

25. Hold a public hearing and consider an ordinance on a request by Kent Distributors to vacate a 0.14-acre of alley right-of-way, generally located on the south side of West Francis Avenue, approximately 135 feet east of Rankin Highway. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9931

AN ORDINANCE VACATING AND ABANDONING A 0.14-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 21, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST FRANCIS AVENUE, APPROXIMATELY 135 FEET EAST OF RANKIN HIGHWAY); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$12,196.80; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9931.

Planning Division Manager Cristina Odenborg gave a brief overview of the item noting the applicant is requesting vacation of an alley right-of-way for his development. Midland Central Appraisal District has appraised the land at \$2 per square foot. This item was routed to all departments and franchise utilities. The applicant is relocating some utilities and a utility easement will be retained. No letters of objection have been received and staff recommends approval.

Mayor Morales opened the public hearing at 10:27 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. 9931 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

26. Hold a public hearing and consider an ordinance on a request by Francisco Gomez Castellanos for a Specific Use Permit with term, for the sale of all alcohol beverages, for on-premises consumption, in a bar, on a 3,600 square foot portion of a lot. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9932

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,600-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH GARFIELD STREET AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR 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 Jan Hamilton read the caption of Ordinance No. 9932.

Planning Division Manager Cristina Odenborg gave a brief overview of the item noting it is a Specific Use Permit for alcohol service in a bar. There are no schools or churches within 300 feet, no letters of objections have been received and staff recommends approval.

Mayor Morales opened the public hearing at 10:30 a.m.

Francisco Gomez, 2307 Vista Ridge, explained the different seating, clarified that the only entrance was opposite the Loop, and confirmed that the entrance in the back was an emergency exit only.

There being no one else wishing to speak, the public hearing was closed at 10:33 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9932 in accordance with the Charter of the City of Midland with a change to alcohol service hours to Monday through Saturday from 10:00 a.m. to 2:00 a.m. and Sunday from 11:00 a.m. to 2:00 a.m.; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

27. Hold a public hearing and consider a resolution on a request by Rachel L. Stone, for a Temporary Land Use, for a festival and concert, generally located on the northwest corner of the intersection of North Loop 250 West and Champions Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 167

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FESTIVAL AND CONCERT ON LOT 4, BLOCK 5, WESTRIDGE PARK ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH LOOP 250 WEST AND CHAMPIONS DRIVE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Planning Division Manager Cristina Odenborg gave a brief overview of the item noting this was for the Mex-Tex Family Fiesta noting it would move further south in the parking lot to include a chili cookoff. They will have a stage, live music, food vendors and arts and crafts vendors. They will have the sale of alcoholic beverages during all hours of the event. No incidents were reported last year, and no objection were received to this item. Staff recommends approval subject to conditions.

Mayor Morales opened the public hearing at 10:35 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 - 167; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

28. Hold a public hearing and consider a resolution on a request by Midland College for approval of a Temporary Land Use for a market generally located southeast of the intersection of W. Florida Avenue and S. Colorado Street. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 168

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A MARKET ON BLOCK 184 AND A 0.55-ACRE PORTION OF SOUTH LORAIN STREET RIGHT-OF-WAY LOCATED BETWEEN WEST FLORIDA AVENUE AND WEST DAKOTA AVENUE, ALL OUT OF SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WEST FLORIDA AVENUE AND SOUTH COLORADO STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Planning Division Manager Cristina Odenborg gave a brief overview of the item noting it is a temporary land use permit for Midland College to offer a market at the Cogdell Learning Center the third Saturday of July, August and September. They will have recorded music on a sound system. No letters of objection were received and staff recommends approval.

Mayor Morales opened the public hearing at 10:37 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 - 168; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

29. Hold a public hearing and consider an annexation of a 46.38-acre tract located in the northeast quarter of Section 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, (generally located on the southeast corner of the intersection of Tradewinds Boulevard and Thomason Drive - Extraterritorial Jurisdiction). This is a public hearing only. (DEVELOPEMENT SERVICES)

Planning Division Manager Cristina Odenborg gave a brief overview of the item noting it is for the annexation of a 46.38-acre tract located at the southeast corner of Tradewinds and Thomason for a mixed-use development. They wish to be annexed to allow for City services. No letters of objection have been received. She confirmed that the second public hearing will be held next Tuesday.

Mayor Morales opened the public hearing at 10:39 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

30. Hold a public hearing and consider an ordinance on a request by Jun Yu 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 west side of North Midkiff Road, approximately 200 feet north of West Wadley Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9933

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,068-SQUARE FOOT PORTION OF LOT 18, BLOCK 1, PROVIDENCE PARK ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 200 FEET NORTH OF WEST WADLEY AVENUE), 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 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 Jan Hamilton read the caption of Ordinance No. 9933.

Planning Division Manager Cristina Odenborg gave a brief overview of the item noting it is for a specific use permit for alcohol on-premise in a restaurant. Restaurant hours and service hours will be Monday through Sunday from 11:00 a.m. to 9:00 p.m. There are no schools or churches within 300 feet. No letters of objection have been received. Staff recommends approval subject to conditions A-E

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 Lacy moved approval of the first of two readings of Ordinance No. 9933 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

31. Hold a public hearing and consider an ordinance on a request by Brady Helm for a special exception from the City of Midland Zoning Ordinance, concerning the construction standards of detached accessory structures generally located on the west side of Shawnee, approximately 498 feet north of Tejas. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9934

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 16, BLOCK 1, 349 RANCH ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SHAWNEE, APPROXIMATELY 498 FEET NORTH OF TEJAS), BY PERMITTING A METAL SKIN EXTERIOR ON A DETACHED ACCESSORY STRUCTURE THAT EXCEEDS 12 FEET IN HEIGHT AND THAT EXCEEDS 400 SQUARE FEET IN AREA; 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 Jan Hamilton read the caption of Ordinance No. 9934.

Planning Division Manager Cristina Odenborg gave a brief overview of the item noting it is for a special exception concerning a detached accessory building that will be 16 feet tall and have metal sides. Their zoning does not allow for metal skinned buildings that exceed 12 feet in height and no hardship exists. Staff recommends denial.

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

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9934 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

PUBLIC COMMENT

- 32. 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.)

Council Members Love and Trost read letters they received from children regarding their concerns for potholes, traffic and property taxes.

Shirley Howard, 405 Magnolia, reported that many times people give to the community and don't often get recognized. She noted it was her birthday and everyone sang Happy Birthday.

All the business at hand having been completed, the meeting adjourned at 10:47 a.m.

PASSED AND APPROVED the 11th day of June 2019.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary