

**MIDLAND CITY COUNCIL
MINUTES
June 26, 2018**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:30 a.m. on June 26, 2018.

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

Council Members absent: Mayor Pro Tem Spencer Robnett (At-Large), Council Member Jeff Sparks (District 1).

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Chief Information Officer Willie Resto, Purchasing Manager Regina Stephenson, and Public Information Officer Elana Ladd.

Mayor Morales called the meeting to order at 9:31 a.m.

1. Receive a presentation from Reflection Ministries regarding human trafficking.

Purchasing Manager Regina Stephenson introduced Dr. Cori Armstead, Director of Operations at Reflection Ministries of Texas.

Dr. Armstead reviewed a PowerPoint presentation about human trafficking noting that their focus is on adults that are over the age of 18. Human trafficking involves three elements: force, fraud and/or coercion. She shared a map of human trafficking routes noting that Texas has the second largest number of human trafficking victims. She shared a map plotting the location of 40,000 human trafficking victims over a 10-year period. Each victim is expected to make \$1,000 a day and work 7 days a week. One trafficker with three victims can easily clear \$1 million a year. Gangs are starting to realize that there is more money in human trafficking than drugs. Currently when a victim is identified they are referred to community resources including substance abuse programs, crisis centers and homeless shelters, but crisis centers don't want to take human trafficking victims because the traffickers want their commodity back. Often the outcome is they are sent back to the streets, back to their pimp, serve jail time or die.

Lisa Bownds reported their goal is to establish transitional housing a care. She reported they have traveled the country to find out what others are doing well noting most programs are crisis based and then transition the women through multi-purpose areas. Eventually they are put in a transitional program from 90 days to two years depending on their funding avenues. Recovery for a trafficking individual can be up to seven years and they want to implement a crisis assessment along with transitional housing, and aftercare programs for up to four years where the traffickers can receive education, counseling, life skills, and job skills.

They asked the City to consider donating or selling the facility located at 3900 Lamesa Road. They hope to obtain the entire block to build an empowerment center to aid their agency in continuing to equip trafficking individuals. They would like to use it to build revenue based facilities to fund their programs and perhaps include a couple of emergency apartments.

She shared stories about some of the victims, provided a personal testimony and answered questions.

Mayor Morales noted Council would talk about the property with staff.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:55 a.m.

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., June 26, 2018.

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

Council Members absent: Council Member Jeff Sparks (District 1).

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

The Agenda Items were heard in the following order: 1-4, 6-18, 5, 19-33.

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

OPENING ITEMS

1. Invocation - Pastor Robert Pase, Grace Lutheran 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 Lacy moved to approve Consent Agenda items 4 - 18 excluding 5; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

4. Approved a motion approving the following minutes:
 - a. Regular City Council meeting of June 12, 2018.
 - b. Special City Council meeting of June 19, 2018
6. Approved a resolution approving the purchase of Microsoft Volume True-Up licensing from SHI Government Solutions, Inc. through Department of Information Resources (DIR) contract DIR-TSO-4092 for the Communications and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2018 - 222

RESOLUTION AUTHORIZING THE PURCHASE OF MICROSOFT VOLUME TRUE-UP LICENSING FROM SHI GOVERNMENT SOLUTIONS, INC. OF AUSTIN, TEXAS, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES, FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT AT A TOTAL COST OF \$232,716.24; AND AUTHORIZING PAYMENT THEREFOR

7. Approved a resolution approving the issuance of a request for qualifications for professional services for the design of Fire Station Eleven (11) and the demolition and redesign of Fire Station Five (5) for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 223

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE DEMOLITION AND REDESIGN OF FIRE STATION FIVE AND THE DESIGN OF FIRE STATION ELEVEN FOR THE GENERAL SERVICES DEPARTMENT

8. Approved a resolution approving the issuance of a Request for Proposals for the demolition of the Building of the Southwest. (PURCHASING)

RESOLUTION NO. 2018 - 224

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE DEMOLITION OF THE BUILDING OF THE SOUTHWEST

9. Approved a resolution amending Chapter XII, "Employment at Will" Section I, "Council Appointees, Other Employees and Department Managers", of the City of Midland Personnel Policies; Establishing an Effective Date of June 27, 2018. (ADMINISTRATIVE SERVICES)

RESOLUTION NO. 2018 - 225

RESOLUTION AMENDING CHAPTER XII, "EMPLOYMENT AT WILL", SECTION 1, "COUNCIL APPOINTEES, OTHER EMPLOYEES AND DEPARTMENT MANAGERS", OF THE CITY OF MIDLAND PERSONNEL POLICIES; AND ESTABLISHING AN EFFECTIVE DATE OF JUNE 27, 2018

10. Approved a resolution authorizing the First Vice Chairman to execute an agreement between the Midland Development Corporation and the Texas Tech University Health Sciences Center. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 226

RESOLUTION APPROVING A LOCATION INCENTIVES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER; SAID AGREEMENT PROVIDING FOR THE SUPPORT OF RESEARCH, CLINICAL AND ACADEMIC PROGRAMS TO IMPLEMENT A WIDE RANGE OF PSYCHIATRIC SERVICES IN MIDLAND, TEXAS

11. Approved a resolution authorizing the Chairman to negotiate and execute an Economic Development Agreement between the Midland Development Corporation and Midland College for the support and expansion of the Midland College Transportation Training Continuing Education Program. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 227

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND MIDLAND COLLEGE FOR THE SUPPORT AND EXPANSION OF THE MIDLAND COLLEGE TRANSPORTATION TRAINING CONTINUING EDUCATION PROGRAM, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

12. Approved a resolution authorizing the City Manager to negotiate and execute a sub-surface easement agreement between the City of Midland and Diamondback E&P LLC. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 228

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, A SUB-SURFACE EASEMENT AGREEMENT GRANTING TO DIAMONDBACK E&P LLC A SUB-SURFACE EASEMENT LOCATED IN CITY-OWNED LANDS EXTENDING 250 FEET SOUTH OF THE NORTHERN PROPERTY LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, FOR THE PURPOSE OF DRILLING, REWORKING, COMPLETING, MAINTAINING, PRODUCING, OPERATING, PLUGGING AND ABANDONING WELLBORES UNDER, ACROSS AND THROUGH SAID LANDS TO BENEFIT THE OIL, GAS AND OTHER MINERAL PRODUCTION FROM WELLS DRILLED OR TO BE DRILLED BY DIAMONDBACK E&P LLC, ITS SUCCESSORS OR ASSIGNS ON LANDS LOCATED IN SECTIONS 41 AND 44, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

13. Approved a resolution accepting a Drainage Easement from T J & S, L.P., for the purpose of conveying storm water runoff associated with an office/industrial development. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 229

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.55-ACRE DRAINAGE EASEMENT LOCATED IN LOT 2B, BLOCK 1, MUSTANG INDUSTRIAL PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

14. Approved a resolution authorizing execution of a Public Improvement Development Agreement with Midland Pipe & Equipment, Inc. for future design and construction of public wastewater improvements to serve Yadon Addition; generally located on the east

side of Rankin Highway approximately 1,070 south of Interstate 20, in the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 230

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH MIDLAND PIPE & EQUIPMENT, INC. FOR WASTEWATER COLLECTION IMPROVEMENTS TO YADON ADDITION (GENERALLY LOCATED ON THE EAST SIDE OF RANKIN HIGHWAY, APPROXIMATELY 1,070 FEET SOUTH OF INTERSTATE 20); AND AUTHORIZING THE TRANSFER OF FUNDS RECEIVED IN ACCORDANCE WITH SAID AGREEMENT; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

15. Approved a resolution authorizing the renewal of an Operating Certificate for B&B Platinum Limo, LLC. (POLICE)

RESOLUTION NO. 2018 - 231

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR B&B PLATINUM LIMO, LLC, TO OPERATE A LIMOUSINE BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

16. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and West Texas LPG Pipeline Limited Partnership. (UTILITIES)

RESOLUTION NO. 2018 - 232

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND WEST TEXAS LPG PIPELINE LIMITED PARTNERSHIP REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 41, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

17. Approved a resolution authorizing acceptance of a Public Utility Easement between the City of Midland and Archrock Services, L.P. (UTILITIES)

RESOLUTION NO. 2018 - 233

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.0115-ACRE PUBLIC UTILITY EASEMENT LOCATED IN LOT 2, BLOCK 6, I-20 TERMINAL PARK ADDITION, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

18. Approved a resolution authorizing the Office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to represent the City of Midland in a lawsuit styled Johnnie Thomas v. Joann Young and the City of Midland, Texas, in the 385th Judicial District Court, Midland County, Texas, Cause No. CV53674. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2018 - 234

RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO FILE ALL DOCUMENTS, EMPLOY ALL NECESSARY EXPERTS AND MAKE ALL NECESSARY APPEARANCES TO REPRESENT THE CITY OF MIDLAND IN A LAWSUIT STYLED

JOHNNIE THOMAS V. JOANN YOUNG AND THE CITY OF MIDLAND, TEXAS, IN THE 385TH JUDICIAL DISTRICT COURT, MIDLAND COUNTY, TEXAS, CAUSE NO. CV53674

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

5. Consider a resolution approving the issuance of a Request for Proposals for ambulance stretchers for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 221

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR AMBULANCE STRETCHERS FOR THE GARAGE DIVISION

Council Member Lacy asked the Fire Chief to elaborate on this item including the cost. Fire Chief Blumenaur reported that the new stretchers are as a result of safety testing and are required in all new ambulances. The cost is about \$20,000 for the mount in the vehicle and \$15,000 for the stretcher or roughly \$35,000 per ambulance and they are requesting for 11-12 ambulances. He reported there are about 15-20 fatalities from ambulance rollovers throughout the nation each year. The hope is to cut those fatalities in half.

Council Member Lacy moved to adopt Resolution No. 2018 - 221; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

SECOND READINGS

19. Consider an ordinance on second reading on a request by Chase Gardaphe for an amended Specific Use Permit without Term for a Manufactured Home Park generally located on the east side of North Fairgrounds Road, approximately 960 feet south of East Golf Course Road. (DEVELOPMENT SERVICES) (First reading approved June 12, 2018.)

ORDINANCE NO. 9777

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 1, FAIRGROUNDS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH FAIRGROUNDS ROAD, APPROXIMATELY 960 FEET SOUTH OF EAST GOLF COURSE ROAD), WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A MANUFACTURED HOME PARK; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9777.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9777 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

20. Consider an ordinance on second reading on a request by Basin Roofing and Construction Inc. for a Zone Change from LR-2, Local Retail District, to LI, Light Industrial District, on a 2.00-acre portion of land generally located on the north side of State Highway 191, approximately 1,110 feet east of North County Road 1271. (DEVELOPMENT SERVICES) (First reading approved June 12, 2018.)

ORDINANCE NO. 9778

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.00-ACRE TRACT OF LAND OUT OF SECTION 33, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN LI, LIGHT INDUSTRY DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 1,110 FEET EAST OF NORTH COUNTY ROAD 1271); 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. 9778.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9778 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

21. Consider an ordinance on second reading on a request by the City of Midland for a City initiated zone change from LR-2, Local Retail District to BP, I-20 Business Park District on a 36.6-acre tract of land generally located at the southwest corner of Interstate Highway 20 and State Highway 158. (DEVELOPMENT SERVICES) (First reading approved June 12, 2018.)

ORDINANCE NO. 9779

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 36.6-ACRE TRACT OF LAND OUT OF SECTION 6, BLOCK 38, AND SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A BP, I-20 BUSINESS PARK DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF INTERSTATE HIGHWAY 20 AND STATE HIGHWAY 158); 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. 9779.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9779 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

22. Consider an ordinance on second reading on a request by Midland Community Development Corporation for approval of a Special Exception to the Zoning Code, Section 11-1-7, Area, yard, structure, parking, and miscellaneous lot and use regulations concerning front yard setbacks generally located at the northeast corner of North Tyler Street and Elm Street. (DEVELOPMENT SERVICES) (First reading approved June 12, 2018.)

ORDINANCE NO. 9780

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 2A, BLOCK 8, PUEBLO DE ARROYO, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH TYLER STREET AND ELM AVENUE), BY PERMITTING A REDUCED FRONT YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9780.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9780 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

PUBLIC HEARINGS

23. Hold a public hearing and consider an ordinance on a request by Leonard (Chip) Hight for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, generally located on the south side of West Wall Street, approximately 170 feet east of South Colorado Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9781

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 2,957-SQUARE FOOT PORTION OF THE WEST 1.5 FEET OF LOT 3, LOTS 4 THROUGH 6, AND THE EAST 24.25 FEET OF LOT 7, BLOCK 65, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WALL STREET, APPROXIMATELY 170 FEET EAST OF SOUTH COLORADO STREET), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A 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 Misty Cryer read the caption of Ordinance No. 9781.

Development Services Director Chuck Harrington gave a brief overview of the item nothing it was for a Specific Use Permit with Term for the sale of alcoholic beverages in

a bar. Their alcohol service hours will be Monday through Saturday from 3:00 p.m. to 12:30 a.m. There are no churches or schools within 300 feet. The request meets all requirements and staff recommends approval.

Mayor Morales opened the public hearing at 10:13 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. 9781 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

24. Hold a public hearing and consider an ordinance on request by Midland Koontz, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption in a restaurant generally located on the east side of West Loop 250 North, approximately 233 feet south of Henry Koontz Boulevard. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9782

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 8, BLOCK 44, FAIRMONT PARK ADDITION, SECTION 27, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 233 FEET SOUTH OF HENRY KOONTZ BOULEVARD), 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. 9782.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is at the site of Johnny Carino's. The new owners wish to have their own permit under their name. Their alcohol service hours will be Sunday through Thursday from 11:00 a.m. to 11:00 p.m. and Friday through Saturday from 11:00 a.m. to 12:00 a.m. There are no schools or churches within 300 feet. The application meets all requirements and staff recommends approval.

Mayor Morales opened the public hearing at 10:15 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. 9782 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

25. Hold a public hearing and consider an ordinance request by Meredith Morales for a Specific Use Permit with Term, for the sale of all beer and wine beverages for on-

premises consumption, in a restaurant, on a 3,645 square feet portion of land generally located on the east side of Desta Drive, approximately 235 feet north of West Wadley Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9783

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,645-SQUARE FOOT PORTION OF LOT 1, BLOCK 2, CLAYDESTA PLAZA, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF DESTA DRIVE, APPROXIMATELY 235 FEET NORTH OF WEST WADLEY AVENUE), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR MIXED USE (OFFICE AND RETAIL), BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF BEER AND WINE IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9783.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a request for service of alcoholic beverages in a restaurant in the ClayDesta Building that is zoned PD with underlying office and retail. The property previously had a SUP for the sale of all beer and wine that was approved in 1984. Their proposed alcohol service hours are Monday through Friday from 11:00 a.m. to 11:00 p.m. and Saturdays from 8:00 a.m. to 11:00 p.m. The facility has adequate parking and restroom facilities. Staff reviewed the item and found it in compliance and recommends approval. No letters of objection have been received.

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. 9783 in accordance with the Charter of the City of Midland with the amendment to change hours of operation on Saturday from 10:00 a.m. to 11:00 p.m.; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

26. Hold a public hearing and consider an ordinance on a request by Betenbough Homes for a zone change from AE, Agriculture-Estate District to 1F-3, One-Family Dwelling District on a 0.712-acre tract of land generally located west of Fairgrounds Road, approximately 927 feet north of Arapahoe Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9784

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 0.712-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A 1F-

3, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED WEST OF FAIRGROUNDS ROAD, APPROXIMATELY 927 FEET NORTH OF ARAPAHOE ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9784.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a request by Betenbough Homes for parcel of land that sticks out. They want to convert it to standard zoning to match the rest of the property to develop residential lots. They will adhere to platting requirements to be in compliance with the comprehensive plan. The item was reviewed by all departments and the only issue is the 25 feet. Planning & Zoning and staff both recommend approval. No letters of objection have been received.

Mayor Morales opened the public hearing at 10:20 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. 9784 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

27. Hold a public hearing and consider a resolution on a request by Edwin Jaquez for a Temporary Land Use Permit for a festival and concert generally located northeast of the intersection of Tradewinds Boulevard and Champions Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 235

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 NORTHEAST OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND CHAMPIONS DRIVE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for the West Texas Blowout. This event was held in the past with no issues. They will have live music, alcoholic beverages, eight security guards, eight portable restrooms for backstage crew and VIP and Grande Stadium restrooms will be used for general admission. The item was reviewed by all departments. Staff recommends approval subject to conditions A-I. No letters of objection have been received.

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 Robnett moved to adopt Resolution No. 2018 - 235; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

28. Hold a public hearing and consider an ordinance on a request by Ravi Katta for approval of a site plan general located on the north side of West Illinois Avenue, approximately 890 feet east of North Powell Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9785

AN ORDINANCE ADOPTING A SITE PLAN FOR TRACT 25, REPLAT OF TERRACE GARDENS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST ILLINOIS AVENUE, APPROXIMATELY 890 FEET EAST OF NORTH POWELL STREET); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9785.

Development Services Director Chuck Harrington gave a brief overview of the item noting this was the site of the old Manor Park high rise residential facility. The applicant is requesting approval of a site plan modification for multi-family dwellings as affordable housing. He acquired adjacent land and developed it for parking. Phase I will have 900 square feet of office and 40 units in quad homes that are already occupied. The south tower will add 44 units that are under development. Phase II will need additional parking spots. Planning & Zoning and staff both recommended approval and three letters of objection have been received.

Mayor Morales opened the public hearing at 10:27 a.m.

Tom Miller, Executive Director of Family Promise, asked if any of the currently occupied housing included HUD housing and inquired if they would be displaced.

Ravi Katta, 1212 Wadley, reported there are five to six homes that are currently with the Housing Authority and they will not do anything to push them out. They are catering to the working class and rents will be between \$800 and \$1,100. Most of the currently occupied housing consists of one-bedrooms or efficiencies. They are short 30 spots for parking on Phase II which will add another 30 homes. They expect to begin the second phase in the next 3-4 months.

There being no one else wishing to speak, the public hearing was closed at 10:30 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9785 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

29. Hold a public hearing and consider an ordinance on a request by Roy Guerra for approval of a Special Exception for the City of Midland Zoning Ordinance, miscellaneous lot and use regulations, concerning front yard setbacks generally located on the west side of Cisco Street, approximately 340 feet south of Arapahoe Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9786

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3, BLOCK 20, 349 RANCH ESTATES, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF CISCO STREET, APPROXIMATELY 340 FEET SOUTH OF ARAPAHOE ROAD), BY PERMITTING A REDUCED FRONT YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9786.

Development Services Director Chuck Harrington gave a brief overview of the item noting that all the properties in this area are AE but none are big enough to truly be AE which requires a 40-foot setback. The applicant is asking to reduce the setback to 25 feet which staff cannot support because they are able to get a 40-foot setback. Staff is considering taking the whole area and turning it into 1F-3 which would be in line with this request and will reduce the front-yard setback, but that is not what is being done today. This applicant would like to move forward with developing this property.

Mayor Morales opened the public hearing at 10:33 a.m.

Roy Guerra, reported they are building this home for his daughter. They would like the 25-foot setback will allow for more room in the back yard for his granddaughter to play. Additionally, the house across the street did not follow the rules and they only have a 25-foot setback.

There being no one else wishing to speak, the public hearing was closed at 10:34 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9786 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

MISCELLANEOUS

30. Consider an ordinance amending Title X, "Traffic Regulations", Chapter Four, "Traffic Control Devices", Section 11, "School Zones and Crossings", of the Midland City Code, so as to designate each school zone and school crossing within the City and regulate the speed and movement of traffic therein. (ENGINEERING SERVICES)

ORDINANCE NO. 9787

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER FOUR, "TRAFFIC CONTROL DEVICES", SECTION 11, "SCHOOL ZONES", OF THE MIDLAND CITY CODE, SO AS TO DESIGNATE EACH SCHOOL ZONE WITHIN THE CITY AND REGULATE THE SPEED AND MOVEMENT OF TRAFFIC THEREIN; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 9672; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9787.

Traffic Engineer Mike Pacelli gave a brief overview of the item noting they are removing four school zones associated with two different MISD facilities. MISD agreed with the removal. All zones have little to no traffic.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9787 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

31. Consider a motion making appointments to various boards and commissions.

Council Member Hotchkiss moved to appoint Debra Westmoreland and Iris Foster to the Midland-Odessa Urban Transit District Board, to move Justin Nichols from an Alternate Member to a Regular Member of the Planning & Zoning Commission and to appoint Karmen Hendrix Bryant as an alternate to the Planning & Zoning Commission; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

Council Member Love moved to appoint the following members to the Capital Improvement Advisory Committee: Walter Pate, Mark Payne, Courtney Black, Brian Sales, Chuck Harrington, Jose Ortiz and Laura Wilson; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

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.)

There were no citizens present wishing to speak.

EXECUTIVE SESSION

33. 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 purchase, exchange, lease, or value of real property described as Lot 1, Block A1, Johnson & Moran Addition, and Lots 5 and 6, Block 2, University Park Addition, City and County of Midland, Texas.

b. Section 551.087 Deliberate Economic Development Negotiations

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

Mayor Morales recessed the meeting to Executive Session at 10:43 a.m.

All of the business at hand having been completed, the meeting adjourned at 11:34 a.m.

PASSED AND APPROVED the 10th day of July, 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary