

**MIDLAND CITY COUNCIL
MINUTES
August 14, 2018**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:45 a.m. on August 14, 2018.

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

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, Finance Director Pam Simecka, Development Services Director Charles Harrington, Engineering Services Director Jose Ortiz, General Services Director Fred Reyes, Chief Information Officer Willie Resto, Building Official Steve Thorpe, Traffic Engineer Mike Pacelli, Transportation Manager Gabe McClelland, and Public Information Officer Elana Ladd.

Mayor Morales called the meeting to order at 9:46 a.m.

1. Discuss a proposed ordinance regulating the parking of vehicles on private property.

Council Member Lacy reported he asked the City Attorney's Office to look at parking of 18-wheelers in the City. Currently we can go after those who are parked in residential but not commercial areas.

City Attorney John Ohnemiller added that they looked at what options were available to enforce parking restrictions on private property. Currently they can enforce the ordinance on public property including rights-of-way if they put up a sign putting the public on notice of the parking restrictions. They are required to do the same thing on private property which raises the issue of how to get a sign on private property. What they recommend is an ordinance creating a new section in the code speaking to enforcement on private property where private owners can elect to put up a sign saying no parking with hour restrictions, if any.

Questions were answered about issuing tickets based on citizens photographs or videos of violations with staff emphasizing that it can be done if the citizen files a complaint and meets the authentication requirements.

Council Member Lacy noted the new ordinance gives one more tool to combat the problem of 18-wheelers tearing up City infrastructure. The ordinance will be on the next City Council meeting for first reading and the meeting after that for second reading and will become effective October 1, 2018.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:58 a.m.

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., August 14, 2018.

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

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: 1-8, 10-14, 16, 18-27, 29, 31-32, 9, 15, 17, 28, 30, 33-51.

Mayor Morales called the meeting to order at 10:04 a.m.

OPENING ITEMS

1. Invocation - Pastor Phillip Allman, Grace Lutheran Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to: Mayor Morales and Finance Director Pam Simecka recognized Accounting Assistant Ester Gomez for her 40-year anniversary with the City of Midland.

CONSENT AGENDA

Council Member Robnett moved to approve Consent Agenda items 4 - 33 excluding 9, 15, 17, 28, 30, 33; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

4. Approved a motion approving the following minutes:
 - a. Regular meeting of July 24, 2018
 - b. Regular meeting of July 31, 2018
5. Approved a resolution approving the selection of a third-party benefits administrator for self-insured medical, dental, and vision claims administration, large case management/precertification, preferred provider organization, pharmacy benefit manager retail/mail order, and section 125 claims administration and authorizing the City Manager to negotiate and execute a contract for the Administrative Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 281

RESOLUTION ACCEPTING THE PROPOSAL SUBMITTED BY ALLEGIANCE BENEFIT PLAN MANAGEMENT, INC. OF MISSOULA, MONTANA, FOR THIRD PARTY BENEFITS ADMINISTRATION SERVICES FOR THE ADMINISTRATIVE SERVICES DEPARTMENT INCLUDING SELF-INSURED MEDICAL AND DENTAL CLAIMS ADMINISTRATION, LARGE CASE MANAGEMENT/PRE-CERTIFICATION, PREFERRED PROVIDER ORGANIZATION, PHARMACY BENEFIT MANAGER RETAIL/MAIL ORDER, AND SECTION 125 CLAIMS ADMINISTRATION; AUTHORIZING THE NEGOTIATION AND EXECUTION OF ALL CONTRACTS AND DOCUMENTS NECESSARY TO EFFECT THE CITY'S ACCEPTANCE OF SAID PROPOSAL; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$575,000.00

6. Approved a resolution approving the issuance of a request for qualifications for design services for renovations and improvements to the driving range at the Hogan Park Golf Course for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 282

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR RENOVATIONS AND IMPROVEMENTS TO THE DRIVING RANGE AT HOGAN PARK GOLF COURSE

7. Approved a resolution approving the purchase of one (1) Chevrolet Traverse, one (1) Chevrolet Silverado 3500HD Cab and Chassis and one (1) Chevrolet Impala from Caldwell County Chevrolet through Buyboard contract 521-16 for a total cost of \$78,958.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 283

RESOLUTION APPROVING THE PURCHASE OF ONE (1) CHEVROLET TRAVERSE, ONE (1) CHEVROLET IMPALA, AND ONE (1) CHEVROLET SILVERADO 3500 CAB AND CHASSIS FOR THE GARAGE DIVISION FROM CALDWELL COUNTY CHEVROLET THROUGH BUYBOARD AT A TOTAL COST OF \$78,958.00

8. Approved a resolution awarding a contract for Environmental Compliance Sampling for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 284

RESOLUTION AWARDING A CONTRACT FOR THE UTILITIES DEPARTMENT WITH TERRACON CONSULTANTS, FOR ENVIRONMENTAL COMPLIANCE SAMPLING AT SPRABERRY AND THE PLANT FARM AT A TOTAL COST OF \$65,800.00 PER YEAR; AND AUTHORIZING PAYMENT THEREFOR

10. Approved a resolution awarding a contract for On-Call Pavement Marking Services for the Traffic Operations Division. (PURCHASING)

RESOLUTION NO. 2018 - 286

RESOLUTION AWARDING A CONTRACT FOR ON-CALL PAVEMENT MARKING SERVICES TO PAVEMENT MARKING, INC. OF EL PASO, TEXAS, AT A TOTAL COST NOT TO EXCEED \$250,000.00; AND AUTHORIZING PAYMENT THEREFOR

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

RESOLUTION NO. 2018 - 287

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

12. Approved a resolution authorizing the execution of the Non-Exclusive Commercial Fixed Base Operator Lease Agreement between the City of Midland and Basin Aviation at Midland Airpark Airport. (AIRPORTS)

RESOLUTION NO. 2018 - 288

RESOLUTION SELECTING BASIN AVIATION, INC., TO EQUIP AND OPERATE A NON-EXCLUSIVE FIXED-BASE OPERATION AT MIDLAND AIRPARK AIRPORT; AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE COMMERCIAL FIXED-BASE OPERATION LEASE AGREEMENT BETWEEN BASIN AVIATION, INC., AND THE CITY OF MIDLAND FOR THE PURPOSE OF LEASING CERTAIN CITY-OWNED REAL PROPERTY AND FACILITIES FOR SAID PURPOSE

13. Approved a motion authorizing the City Manager and/or the Director of Airports to submit paperwork to the Federal Aviation Administration/TxDOT to release the land at Executive Airpark (approximately 2,600 acres located in Martin County, Texas) for sale. (AIRPORTS)

14. Approved a resolution approving a Development Agreement by and among Fasken Land and Minerals, Ltd., and related entities Fasken Oil and Ranch, Ltd., Vineyard Reserve Water Supply Company, Ltd., Vineyard Reserve, LLC, Holiday Hill Holdings, LLC and Sandstone Drive, LLC, and the City of Midland, Texas. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 289

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH FASKEN LAND AND MINERALS, LTD. AND RELATED ENTITIES FASKEN OIL AND RANCH, LTD., VINEYARD RESERVE WATER SUPPLY COMPANY, LTD., VINEYARD RESERVE, LLC, HOLIDAY HILL HOLDINGS, LLC, AND SANDSTONE DRIVE, LLC FOR THE PURPOSE OF USING CERTAIN PUBLIC RIGHTS-OF-WAY FOR THE INSTALLATION AND MAINTENANCE OF UTILITY LINES AND OIL AND GAS PIPELINES

16. Approved a resolution authorizing and approving the City of Midland's 2018-2019 Community Development Block Grant requests and authorizing the execution of the Community Development Block Grant funds for Fiscal Year 2018-2019. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 291

RESOLUTION AUTHORIZING THE ADOPTION OF THE CITY OF MIDLAND'S 2018-2019 ACTION PLAN TO THE CONSOLIDATED PLAN FOR COMMUNITY

DEVELOPMENT AND HOUSING FUNDS FOR THE CITY'S FISCAL YEARS 2016-2020; THE CONSOLIDATED PLAN HAVING BEEN APPROVED BY RESOLUTION NUMBER 2015-223; AND AUTHORIZING THE EXECUTION OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

18. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of an oil and gas well, being Hogan 1-24-2805H generally located between 2,226 feet east of Lamesa Road and 2,125 feet north of Loop 250. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 293

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,370 FEET FROM THE SOUTH LINE AND 2,226 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,226 FEET EAST OF LAMESA ROAD AND 2,125 FEET NORTH OF LOOP 250); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

19. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of an oil and gas well, being Hogan 1-24-2807H generally located between 2,386 feet east of Lamesa Road and 2,125 feet north of Loop 250. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 294

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,370 FEET FROM THE SOUTH LINE AND 2,386 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,386 FEET EAST OF LAMESA ROAD AND 2,125 FEET NORTH OF LOOP 250); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

20. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of an oil and gas well, being Hogan 1-24-4205H generally located between 2,226 feet east of Lamesa Road and 2,155 feet north of Loop 250. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 295

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,400 FEET FROM THE SOUTH LINE AND 2,226 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,226 FEET EAST OF LAMESA ROAD AND 2,155 FEET NORTH OF LOOP 250); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

21. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of an oil and gas well, being Hogan 1-24-4207H generally located between 2,386 feet east of Lamesa Road and 2,155 feet north of Loop 250. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 296

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,400 FEET FROM THE SOUTH LINE AND 2,386 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,386 FEET EAST OF LAMESA ROAD AND 2,155 FEET NORTH OF LOOP 250); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

22. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of an oil and gas well, being Hogan #4305H generally located between 2,226 feet east of Lamesa Road and 2,185 feet north of Loop 250. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 297

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 2,430 FEET FROM THE SOUTH LINE AND 2,226 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,226 FEET EAST OF LAMESA ROAD AND 2,185 FEET NORTH OF LOOP 250) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 479 FEET OF AN OCCUPIED RESIDENTIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

23. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of an oil and gas well, being Hogan 1-24-4307H generally located between 2,386 feet east of Lamesa Road and 2,185 feet north of Loop 250. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 298

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,430 FEET FROM THE SOUTH LINE AND 2,386 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,386 FEET EAST OF LAMESA ROAD AND 2,185 FEET NORTH OF LOOP 250); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

24. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil and gas well, being Charger #H155UH generally located between 782 feet east of South Garfield Street and 327 feet north of West County Road 111. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 299

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 110 FEET FROM THE SOUTH LINE AND 720 FEET FROM THE WEST LINE, SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 782 FEET EAST OF SOUTH GARFIELD STREET AND 327 FEET NORTH OF WEST COUNTY ROAD 111) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 223 FEET OF AN OCCUPIED

RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

25. Approved a motion approving a proposed Preliminary Plat of Hawk View Addition, Section 4, being a replat of Lots 29 through 32, and Common Area, Block 1, Lots 1 and 2, 8 and 9, 12 through 15 and Drainage Common Area Block 2, Hawk View Addition, and Lots 33A and 33B, 34 and 35, Block 1, Hawk View Addition, Section 3, all out of Section 29, Block 40, T-2S, T&P, RR Co. Survey, Midland County, Texas, generally located on the northeast corner of the intersection of West County Road 150 and South County Road 1270 - Extraterritorial Jurisdiction. (DEVELOPMENT SERVICES)
26. Approved a motion approving a proposed Preliminary Plat of Dahlia Estates being a plat of a 30.74-acre tract of land located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland Texas, generally located on the west side of North Garfield Street approximately 594 feet north of the Mockingbird Lane. (DEVELOPMENT SERVICES)
27. Approved a motion approving a proposed Preliminary Plat of Dove Acres, Section 2, being a re-plat of Lots 1 and 2, Block 1, Dove Acres, and a 10.00 Acre tract of land out of Section 16, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas, generally located on the west side of North County Road 1140, approximately 630 feet north from North County Road 45 - Extraterritorial Jurisdiction. (DEVELOPMENT SERVICES)
29. Approved a resolution granting a variance to Ordinance 8769, (January 1, 2010 Oil and Gas Well Drilling Ordinance), for a 9.51-acre tract of land generally located on the north side of West Mockingbird Lane extension, approximately 1300 feet east of North Garfield Street, by permitting construction of commercial buildings where no portion of any structure is closer than 135 feet of an existing oil and gas well (Mask 1003). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 301

RESOLUTION GRANTING A VARIANCE FOR A 9.51-ACRE TRACT OF LAND OUT OF SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE MOCKINGBIRD LANE EXTENSION, APPROXIMATELY 1,300 FEET EAST OF NORTH GARFIELD STREET), BY PERMITTING CONSTRUCTION OF COMMERCIAL BUILDINGS WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 135 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

31. Approved a resolution authorizing the City Manager to acquire, on behalf of the City of Midland, real property interests necessary or appropriate, for the use and benefit of the public for street, road, pedestrian access, drainage, and public utility purposes, and for any ancillary public use as is usual and customary in connection therewith. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 303

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, ANY REAL PROPERTY INTERESTS NECESSARY OR APPROPRIATE, BY ANY INSTRUMENTS OF CONVEYANCE NECESSARY OR

APPROPRIATE, FOR THE USE AND BENEFIT OF THE PUBLIC FOR STREET, ROAD, PEDESTRIAN ACCESS, DRAINAGE AND PUBLIC UTILITY PURPOSES, AND FOR ANY OTHER ANCILLARY PUBLIC USE AS IS USUAL AND CUSTOMARY IN CONNECTION THEREWITH (1) ALONG THE SOUTH SIDE OF WEST CUTHBERT AVENUE FROM A POINT APPROXIMATELY 300 FEET WEST OF NORTH GARFIELD STREET TO A POINT AT OR NEAR THE INTERSECTION OF WEST CUTHBERT AVENUE AND NORTH GARFIELD STREET, AND (2) ALONG THE NORTH SIDE OF WEST CUTHBERT AVENUE FROM A POINT APPROXIMATELY 600 FEET EAST OF NORTH GARFIELD STREET TO A POINT AT OR NEAR THE INTERSECTION OF WEST CUTHBERT AVENUE AND NORTH GARFIELD STREET; AUTHORIZING THE CITY MANAGER TO OBTAIN APPRAISALS, NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS, PURCHASE TITLE INSURANCE POLICIES AND HOLD THE CLOSINGS FOR SAID ACQUISITIONS; AUTHORIZING PAYMENT FOR SAID APPRAISALS, TITLE INSURANCE POLICIES AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, ALL INSTRUMENTS OF CONVEYANCE

32. Approved a resolution applying for the FY2018 Justice Assistance Grant (JAG) Program. (POLICE)

RESOLUTION NO. 2018 - 304

RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO FILE A JOINT APPLICATION WITH MIDLAND COUNTY FOR FISCAL YEAR 2018 JUSTICE ASSISTANCE GRANT PROGRAM FUNDS TOTALING \$31,185.00, WITH THE CITY OF MIDLAND TO RECEIVE \$18,711.00 (60%) AND MIDLAND COUNTY TO RECEIVE \$12,474.00 (40%); AUTHORIZING THE EXECUTION OF AN AGREEMENT REGARDING THE DIVISION OF SAID GRANT FUNDS; AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS

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

9. Consider a resolution ratifying emergency repairs to the storm drain at Midkiff Road for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2018 - 285

RESOLUTION RATIFYING THE PROCUREMENT OF CONSTRUCTION SERVICES FROM RED DEER CONSTRUCTION, LLC OF MIDLAND, TEXAS, FOR THE EMERGENCY REPAIR OF THE STORM DRAIN LOCATED IN MIDKIFF ROAD NEAR GOLF COURSE ROAD; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$245,480.25

Mayor Morales inquired if this was a temporary fix or an 8-year fix. Transportation Manager Gabe McClelland reported that there are three miles of storm drain that needs to be addressed. This item will complete that one section. This will allow time to do a study and look for long-term solutions.

Council Member Love moved to adopt Resolution No. 2018 - 285; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

15. Consider a resolution authorizing the execution of a Sponsorship License Agreement for the Splash Pad at Dennis the Menace Park with XTO Energy, Inc. (COMMUNITY SERVICES)

RESOLUTION NO. 2018 - 290

RESOLUTION AUTHORIZING THE EXECUTION OF A SPONSORSHIP LICENSE AGREEMENT WITH XTO ENERGY, INC.; SAID AGREEMENT PROVIDING FOR THE GRANTING OF THE NAMING RIGHTS TO THE SPLASH PAD AT DENNIS THE MENACE PARK TO XTO ENERGY, INC.

Community Service Director Tina Jauz reported that the first two phases were fully funded and the third phase for a splash pad was not funded. XTO came forward and offered to fund the third phase. The agreement is for \$500,000.00 over the next 3.5 years to fund Phase 3. Mayor Morales noted this was another example of a private/public partnership and thanked XTO for helping to bring this historical park into the 21st century.

Council Member Love moved to adopt Resolution No. 2018 - 290; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

17. Consider a resolution authorizing the City of Midland to accept a donation in the amount of \$5,295.50 from Gardner Denver for the refurbishing of the original Lion Water Fountain to be used at Dennis the Menace Park, and appropriating funds. (COMMUNITY SERVICES)

RESOLUTION NO. 2018 - 292

RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO ACCEPT A DONATION IN THE AMOUNT OF \$5,295.50 FROM GARDNER DENVER; SAID DONATION SHALL BE USED TO REFURBISH THE ORIGINAL LION WATER FOUNTAIN LOCATED IN DENNIS THE MENACE PARK; AND APPROPRIATING FUNDS TO THE DENNIS THE MENACE PARK RENOVATION PROJECT

Parks & Recreation Manager Laurie Williams thanked Gardner Denver for their partnership to help redo the original lion. Mayor Morales thanked the generosity of the family for donating the lion and for Gardner Denver to helping refurbish it. They will be recognized again at the time of the dedication.

Council Member Love moved to adopt Resolution No. 2018 - 292; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

28. Consider a resolution approving the transfer of the Oil and Gas Well Permits, Road Repair Agreements and Right of Way Licenses issued to RSP Permian, L.L.C. (Current Operator) located in Section 1,10,11 and 12, Block X, H.P. Hilliard Survey and Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 300

RESOLUTION APPROVING THE TRANSFER FROM RSP PERMIAN, L.L.C. ("OPERATOR") TO COG OPERATING LLC ("TRANSFeree") OF ALL OF

OPERATOR'S OIL AND GAS WELL PERMITS, ROAD REPAIR AGREEMENTS AND RIGHT-OF-WAY LICENSES; SAID OIL AND GAS WELL PERMITS, ROAD REPAIR AGREEMENTS AND RIGHT-OF-WAY LICENSES BEING ASSOCIATED WITH OPERATIONS LOCATED IN SECTIONS 1, 10, 11 AND 12, BLOCK X, H.P. HILLIARD SURVEY, AND SECTION 26, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

Council Member Lacy moved to adopt Resolution No. 2018 - 300; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: Robnett. ABSENT: None.

30. Consider a resolution appropriating the sum of \$150,000.00 from the General Fund (001) Unappropriated Fund Balance account (35650) to the A Street & Wadley Intersection Improvement Project (900202-175); and authorizing an additional payment of \$140,164.00 to the Texas Department of Transportation Trust Fund pursuant to the terms of the City's Advance Funding Agreement with the State of Texas, for the engineering and construction of highway safety improvements at or near the intersection of West Wadley Avenue and North A Street. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 302

RESOLUTION APPROPRIATING THE SUM OF \$150,000.00 FROM THE GENERAL FUND (001) UNAPPROPRIATED FUND BALANCE ACCOUNT (35650) TO THE A STREET & WADLEY INTERSECTION IMPROVEMENT PROJECT (900202-175); AND AUTHORIZING AN ADDITIONAL PAYMENT OF \$140,164.00 TO THE TEXAS DEPARTMENT OF TRANSPORTATION TRUST FUND PURSUANT TO THE TERMS OF THE CITY'S ADVANCE FUNDING AGREEMENT WITH THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR THE ENGINEERING AND CONSTRUCTION OF HIGHWAY SAFETY IMPROVEMENTS AT OR NEAR THE INTERSECTION OF WEST WADLEY AVENUE AND NORTH A STREET

Council Member Dufford asked when this project would begin. Traffic Engineer Mike Pacelli reported that construction should begin later this year.

Council Member Sparks moved to adopt Resolution No. 2018 - 302; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

33. Consider a resolution accepting grant funding awarded by TXDOT to the Midland Police Department to conduct a FY2019 Comprehensive STEP Enforcement Project. (POLICE)

RESOLUTION NO. 2018 - 305

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$21,000.00 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION IN ORDER TO CONDUCT A FISCAL YEAR 2018-2019 COMPREHENSIVE SPECIAL TRAFFIC ENFORCEMENT PROGRAM FOR DISTRACTED DRIVING ENFORCEMENT AND SPEED ENFORCEMENT; PROVIDING THAT THE GRANT FUNDS SHALL BE USED TO PAY OVERTIME TO POLICE OFFICERS WORKING ON SAID PROGRAM; AND AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS

Council Member Dufford asked how effective the program has been on cutting down on cell phone use. Interim Police Chief Seth Herman reported they do not have statistical data since many of the people who were originally stopped for texting and driving led to other citations and/or arrests. The last grant was for speeding and the new grant will include speeding as well as other items including texting and driving.

Council Member Love moved to adopt Resolution No. 2018 - 305; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

SECOND READINGS

34. Hold a public hearing and consider an ordinance request by Summit 11 Investment Group, LLC, for a Zone Change from a PD, Planned District for a Shopping Center, to an Amended Planned District generally located on west side of N. Loop 250 West, approximately 795 feet north of Deauville Blvd. (DEVELOPMENT SERVICES) (First reading held July 24, 2018)

ORDINANCE NO. 9788

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 15, BLOCK 2, AND LOT 1, BLOCK 3, ADOBE MEADOWS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, IN PART, AND MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF MOCKINGBIRD LANE AND BIG SPRING 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

Mayor Pro Tem Robnett read the caption of Ordinance No. 9788.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9788 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

35. Consider an ordinance on second reading on a request by Winkelmann & Associates Inc., for a Zone Change from PD, Planned District for an Office Center to LR-3, Local Retail District generally located on the southwest corner of the intersection of West Wadley Avenue and North Main Street. (DEVELOPMENT SERVICES) (First reading held July 24, 2018)

ORDINANCE NO. 9791

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 6, BARBERDALE ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE CENTER, TO BE USED AS AN LR-3, LOCAL RETAIL DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST WADLEY AVENUE AND NORTH MAIN 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

Mayor Pro Tem Robnett read the caption of Ordinance No. 9791.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9791 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

36. Consider an ordinance on second reading on a request by Joval LLC for a Zone Change from a LR-2, Local Retail District, to an LI, Light Industrial District generally located on the north side of State Highway 191, approximately 2,400 feet west of North County Road 1275. (DEVELOPMENT SERVICES) (First reading held July 24, 2018.)

ORDINANCE NO. 9792

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2, BLOCK 1, WEST 191 INDUSTRIAL PARK, 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 2,400 FEET WEST OF NORTH COUNTY ROAD 1275); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Mayor Pro Tem Robnett read the caption of Ordinance No. 9792.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9792 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

37. Consider an ordinance on second reading on a request by Furniture Row USA LLC for a Zone Change from a PD, Planned District for a Shopping Center, to LR-2, Local Retail District, on a 2.60-acre tract of land generally located on the northwest corner of Whitman Drive and Loop 250 North. (DEVELOPMENT SERVICES) (First reading held July 24, 2018.)

ORDINANCE NO. 9794

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.60-ACRE TRACT OF LAND OUT OF SECTION 4, BLOCK X, H.P. HILLIARD SURVEY, 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 WHITMAN DRIVE AND LOOP 250 NORTH); 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. 9794.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9794 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

38. Consider an ordinance on second reading on a request by Bush Tennis Center/Opportunity Park, for the initial zoning of a 3.31-acre tract of land generally located on the north side of Briarwood Avenue, approximately 2,460 feet west of Holiday Hill Road. (DEVELOPMENT SERVICES) (First reading held July 24, 2018.)

ORDINANCE NO. 9795

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 3.31-ACRE TRACT OF LAND OUT OF SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS A PD, PLANNED DISTRICT FOR A RECREATION CENTER; SAID TRACT BEING GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 2,460 FEET WEST OF HOLIDAY HILL ROAD; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9795.

Council Member Love moved to approve the second and final reading of Ordinance No. 9795 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

PUBLIC HEARINGS

39. Hold a public hearing and consider an ordinance on a request by Crystalyn Wright 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 east side of North Main Street, approximately 65 feet south of East Illinois Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9796

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS THE SOUTH HALF OF LOT 12, BLOCK 38, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MAIN STREET, APPROXIMATELY 65 FEET SOUTH OF EAST ILLINOIS AVENUE), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A 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. 9796.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for a specific use permit for the sale of alcoholic beverages in a bar located in a C-1 district. The location previously had a SUP that expired, and this permit will have the same hours as the previous one. They meet the distance requirements and it follows the comprehensive plan. Staff recommends approval.

Mayor Morales opened the public hearing at 10:28 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9796 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

40. Hold a public hearing and consider an ordinance on a request by Timithee Shae Cuevas dba Coiffuers Barbershop for a Specific Use Permit with Term for the Sale of all beer and wine, for on-premises consumption in a barbershop and salon, generally located on the west side of North Midkiff Road, approximately 630 feet south of Loop 250 North. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9797

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,490-SQUARE FOOT PORTION OF LOT 1A, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 630 FEET SOUTH OF 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 BEER AND WINE IN A BARBERSHOP AND SALON 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. 9797.

Development Services Director Chuck Harrington gave a brief overview of the item noting the barbershop has requested a specific use permit with term for sale of beer and wine for on premise consumption. The barbershop is in the Midland Park Mall and will have service hours Monday through Sunday from 12:00 p.m. to 9:00 p.m. There are no churches or schools within the required distance and the application meets all requirements. Staff recommends approval.

Mayor Morales opened the public hearing at 10:30 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Hotchkiss reported attending the Planning & Zoning Commission meeting where there was a lot of discussion. She noted that it is right across from Fuddruckers that also serves alcohol.

Council Member Love asked if they would be serving snacks or other food. Mr. Harrington had no indication of food service noting that many types of these locations already serve alcohol without charging for it. This would allow them to sell it.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9797 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

41. Hold a public hearing and consider an ordinance on a request by Gilbert Saenz for a Special Exception to the Zoning Code concerning the side yard setback requirements generally located on the southwest corner of Gulf Avenue and North I Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9798

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE EAST 34 FEET OF LOT 21 AND ALL OF LOT 22, BLOCK 5, AVALON ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF GULF AVENUE AND NORTH I STREET), BY PERMITTING A REDUCED SETBACK FOR THE SIDE YARD ADJACENT TO NORTH I 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); 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. 9798.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a special exception for reduced side yard setback to build a front porch that will encroach in the side yard by 6 feet. On corner properties the code requires that both the front and side yards be treated like a front yard. The item has been reviewed by all staff and since this item deviates from the ordinance and no hardship has been demonstrated staff must recommend denial. If Council were to approve the item staff asks that it be subject to conditions A-B.

Council Member Hotchkiss reported she looked at this location and spoke with the applicants and is in support of approving this item.

Mayor Morales opened the public hearing at 10:35 a.m.

Lisa Hooper, the homeowner, reported that on October 11, 2016 Council approved a similar exception to the house one block directly to her north for an enclosed garage. There being no one else wishing to speak, the public hearing was closed at 10:36 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9798 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

42. Hold a public hearing and consider an ordinance on a request by Hilary Knight for approval of a Special Exception to the City of Midland Zoning Ordinance Section 11-1-7, -Area, yard, structure, parking, and miscellaneous lot and use regulations concerning the side and rear yard setback of an addition generally located west of Racquet Club Drive, approximately 149 feet north of Neely Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9799

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 5, BLOCK 4, ELM GROVE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED WEST OF RACQUET CLUB DRIVE, APPROXIMATELY 149 FEET NORTH OF NEELY AVENUE), BY PERMITTING A REDUCED SETBACK FOR THE SIDE YARD ADJACENT TO THE SOUTH ALLEY AND A REDUCED REAR 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. 9799.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is requesting a two-story structure with the bottom being a garage and the second level being the living area with no rear yard setback. Their property has an alley on two sides. The proposed addition will have no windows facing the back of the alley. The side yard setback requirement is 10 feet. Staff has reviewed the item and found no hardship was exhibited and is required to recommend denial. Should Council choose to approve this item it would be subject to conditions A and B. Engineering noted that it is in the flood zone and must be elevated one-foot above the base elevation of the flood zone. He also noted that there are some other houses in the area with zero setback. When asked if the zero setback would be safe for those traveling in the alley Mr. Harrington noted that the Traffic Division had no objections.

Council Member Hotchkiss reported she visited this area and visited with the residents that back up to the alley. They have no objections, so she has no objections.

Mayor Morales opened the public hearing at 10:41 a.m.

Hillary Knight, 2601 Racquet Club Drive, reported her current structure has black mold and is not safe to live in. The quarters being built will be her living quarters while she redoes everything in the house. She has two neighbors that enter from the back and they only enter from the north, so she does not end up with much traffic behind her. The trash truck goes straight and turns west which is why she chose that corner to build the structure. She did speak with all her neighbors that she shares the alley with and everybody agreed with her plans except for the person behind her who just moved in who she has been unable to contact. Council Member Love asked why not build the structure smaller since it is for a temporary purpose and asked if she considered allowing a 5-foot setback. Ms. Knight reported that it could take one to five years to clear out all the mold. She needs a garage and a place to live that is comfortable since she works from her home.

There being no one else wishing to speak, the public hearing was closed at 10:45 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9799 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: Love. ABSTAIN: None. ABSENT: None.

43. Hold a public hearing and consider an ordinance on a request by Warren CAT for the initial zoning of a 43.97-acre tract of land generally located on the east side of South FM 1788, approximately 187 feet north of West County Road 127. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9800

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 43.97-ACRE TRACT OF LAND OUT OF THE EAST HALF OF SECTION 18, BLOCK 40, T-1-S, AND A 6.66-ACRE TRACT OF LAND OUT OF EAST HALF OF SECTION 18 AND THE SOUTHWEST QUARTER OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN IP-2, INDUSTRIAL PARK DISTRICT; SAID TRACTS BEING GENERALLY LOCATED ON THE WEST SIDE OF SOUTH FM 1788, APPROXIMATELY 187 FEET NORTH OF WEST COUNTY ROAD 127; 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. 9800.

Development Services Director Chuck Harrington gave a brief overview of the item noting this land was recently annexed for Warren CAT to relocate to this property. This is for the initial zoning that is in conformance with the updated zoning plan.

Mayor Morales opened the public hearing at 10:47 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. 9800 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

44. Hold a public hearing and consider an ordinance on request by Robert Rendall for the annexation of a 15.83-acre tract generally located on the southeast corner of the intersection of North County Road 1247 and West State Highway 158 - Extraterritorial Jurisdiction. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9801

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 15.83-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH COUNTY ROAD 1247 AND WEST STATE HIGHWAY 158); APPROVING A PUBLIC SERVICE PLAN; AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9801.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is second of three public hearings. There are no objections to the annexation.

Mayor Morales opened the public hearing at 10:49 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9801 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

45. Hold a public hearing and consider an ordinance on a request by Tall City Brewing Beverage, LLC for a Specific Use Permit with Term, for the sale of all beer and wine beverages for on-premises consumption in a brewery/tap room, generally located on the south side of West Golf Course Road, approximately 270 feet west of North Midkiff Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9802

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 4, BLOCK 12, SUNSET ACRES, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST GOLF COURSE ROAD, APPROXIMATELY 270 FEET WEST OF NORTH MIDKIFF ROAD), 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 BEER AND WINE IN A BREWERY AND TAP ROOM 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. 9802.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for a specific use permit for the sale of beer and wine. It recently had its zoning changed and now they are moving forward with construction and would like to get their specific use permit to sell in their tap room. There is no kitchen and no plan to serve food, but the applicant is proposing to have food trucks on site. Their service hours will be Sunday through Saturday from 11:00 a.m. to 12:00 a.m. There are no schools or churches within 300 feet. Staff reviewed the item and has no objections. The request was approved by Planning & Zoning and staff recommends approval. Mayor Morales asked if the parking was resolved and Mr. Harrington deferred to the applicant.

Mayor Morales opened the public hearing at 10:52 a.m.

Jarrod Sparks, 3917 Baybrook Ct. reported that food trucks would be located adjacent to the patio. Permian Basin Area Foundation is next door and they have an agreement

to share parking to meet both of their needs. The flow of traffic will be one direction around their building and they can hold up to 300 persons. They will begin construction as soon as their final plans are approved.

There being no one else wishing to speak, the public hearing was closed at 10:55 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9802 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, Lacy, Robnett. NAY: None. ABSTAIN: Sparks, Dufford. ABSENT: None.

46. At approximately 10:00 a.m. and 6:00 p.m. hold a public hearing on a tax increase for Fiscal Year 2018-2019. (FINANCE)

Budget Manager Jamie Minor gave a brief overview of the item noting today's purpose is to provide public notification of a tax increase and for citizen input. The rate will be 39.22 cents per \$100 valuation which will bring in 3% more than the effective rate. A person with a \$100,000.00 home would see their taxes go down from \$367.50 to \$347.50.

Mayor Morales opened the public hearing at 10:58 a.m. There being no one present wishing to speak, the public hearing was immediately closed. He noted that another public hearing would be held at 6:00 p.m.

MISCELLANEOUS

47. Consider an ordinance prohibiting parking on the north side of the east-west portion of Conroe Court from the west curb line of the north-south portion of Conroe Court continuing west to the east curb line of Holiday Hill Road and on both sides of the north-south portion of Conroe Court from the south curb line of the east-west portion of Conroe Court continuing north to the south curb line of Rio Grande Avenue except to residents whose property abuts said portions of Conroe Court and who have obtained valid parking permits. (ENGINEERING SERVICES)

ORDINANCE NO. 9803

AN ORDINANCE PROHIBITING PARKING (1) ON THE NORTH SIDE OF THE EAST-WEST PORTION OF CONROE COURT FROM THE WEST CURB LINE OF THE NORTH-SOUTH PORTION OF CONROE COURT CONTINUING WEST TO THE EAST CURB LINE OF HOLIDAY HILL ROAD AND (2) ON BOTH SIDES OF THE NORTH-SOUTH PORTION OF CONROE COURT FROM THE SOUTH CURB LINE OF THE EAST-WEST PORTION OF CONROE COURT CONTINUING NORTH TO THE SOUTH CURB LINE OF RIO GRANDE AVENUE EXCEPT TO RESIDENTS WHOSE PROPERTY ABUTS SAID PORTIONS OF CONROE COURT AND WHO HAVE OBTAINED VALID PARKING PERMITS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO ERECT APPROPRIATE SIGNS; DECLARING ANY VEHICLE IN VIOLATION OF THE PROVISIONS OF THIS ORDINANCE A NUISANCE AND PROVIDING FOR THE REMOVAL OF SAME; 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. 9803.

Traffic Engineer Mike Pacelli gave a brief overview of the item noting this is the first of three traffic ordinances today. This item is for resident only permit parking restriction on Conroe Court located just north of Loop 250 and east of Holiday Hill Road. There are nine homes in this area and staff was contacted by two residents. They are getting overflow parking from the apartments nearby. Staff is in support of the request. This item will repeal the old ordinance and add in this new section, so everything is in one ordinance.

Council Member Love moved approval of the first of two readings of Ordinance No. 9803 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

48. Consider an ordinance establishing intersection stops at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations. (ENGINEERING SERVICES)

ORDINANCE NO. 9804

AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE DESIGNATED LOCATIONS; 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. 9804.

Traffic Engineer Mike Pacelli gave a brief overview of the item noting it is the routine stop sign ordinance adding 28 new stops and updating yield signs which is the next item on the agenda.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9804 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

49. Consider an ordinance establishing yield right-of-way signs at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations. (ENGINEERING SERVICES)

ORDINANCE NO. 9805

AN ORDINANCE ESTABLISHING YIELD RIGHT OF WAY SIGNS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; REQUIRING AND AUTHORIZING THE POSTING OF APPROPRIATE SIGNS AT SAID INTERSECTIONS; 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. 9805.

Traffic Engineer Mike Pacelli reported this is the companion yield sign ordinance to the preceding item.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9805 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

PUBLIC COMMENT

50. 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

51. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:
 - a. Section 551.071, Consultation with Attorney
 - a.1. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.
 - 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 11:08 a.m. The Council met in Executive Session until 12:06 p.m.

Mayor Morales reconvened the meeting in open session at 6:01 p.m.

PUBLIC HEARINGS (CONTINUED)

46. At approximately 10:00 a.m. and 6:00 p.m. hold a public hearing on a tax increase for Fiscal Year 2018-2019. (FINANCE)

Mayor Morales opened the public hearing at 6:01 p.m.

Tyler Patton, 3100 Caldera, reported he is from UTPB Small Business Development Center. They were declined funding this year and they would like to request further consideration. Since that time, they have had 100% turnover in personnel, but they are anticipating finishing off strong and they now have a staff that is well equipped to help businesses.

City Manager Sharp asked that if Council would like to reconsider funding this item to direct Mr. Patton to visit with him. Mayor Morales asked Mr. Patton to get with the City Manager.

All the business at hand having been completed, the meeting adjourned at 6:07 p.m.

PASSED AND APPROVED the 28th day of August 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary