

**MIDLAND CITY COUNCIL
MINUTES
November 06, 2018**

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., November 06, 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, Assistant City Manager Robert Patrick, and Assistant City Manager Morris Williams.

The agenda items were heard in the following order: 1-12, 14-17, 13, 18-38.

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

OPENING ITEMS

1. Invocation - Pastor Phil 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:
 - a. Comptroller Seth Boles presented the Excellence and Financial Reporting Award from Government Finance Officers Association.
 - b. Council Member Lacy presented a proclamation to Municipal Court for Municipal Court Week.
 - b. Mayor Morales recognized Ana Michelle Wilson, America's U.S. Junior Miss.

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding 13; 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.

4. Approved a motion approving the following minutes:
 - a. Regular City Council meeting of October 23, 2018.

5. Approved a resolution forgiving the loan from the Garage Fund and the advance from the General Fund that were previously approved to pay for improvements to the Hogan Park Golf Course. (FINANCE)

RESOLUTION NO. 2018 - 454

RESOLUTION FORGIVING THE LOAN FROM THE GARAGE FUND AND THE ADVANCE FROM THE GENERAL FUND THAT WERE PREVIOUSLY APPROVED TO PAY FOR IMPROVEMENTS TO THE HOGAN PARK GOLF COURSE; AND AUTHORIZING THE FINANCE DIRECTOR TO WRITE OFF THE BALANCES OF SAID LOAN AND SAID ADVANCE

6. Approved a resolution awarding a contract for labor, material, equipment and supervision necessary to provide and install new artificial turf at Grande Stadium for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 455

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT IN THE AMOUNT OF \$618,940.96 WITH FIELDTURF USA, INC., FOR THE PURCHASE AND INSTALLATION OF ARTIFICIAL FIELD TURF AT GRANDE STADIUM; APPROVING \$62,000.00 FOR CONTINGENCIES; AND ALLOCATING FUNDS THEREFOR

7. Approved a resolution approving the purchase of forty-five (45) Bunker Coats and forty-five (45) Bunker Pants from Dooley Tackaberry, Inc. through Buyboard contract 524-17 for a cost of \$100,228.50 for the Fire Department. (PURCHASING)

RESOLUTION NO. 2018 - 456

RESOLUTION APPROVING THE PURCHASE OF FORTY-FIVE BUNKER COATS AND FORTY-FIVE BUNKER PANTS FOR THE FIRE DEPARTMENT FROM DOOLEY TACKABERRY, INC. THROUGH BUYBOARD AT A TOTAL COST OF \$100,228.50

8. Approved a resolution approving the purchase of a trailer mounted trash pump from Mersino Dewatering, Inc. dba Global Pump through the Houston-Galveston Area Council (H-GAC) for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 457

RESOLUTION APPROVING THE PURCHASE OF A TRAILER-MOUNTED TRASH PUMP FROM MERSINO DEWATERING, INC., DBA GLOBAL PUMP THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$81,671.25

9. Approved a resolution awarding a contract to Tommy Klein Construction, Inc. through Buyboard contract 520-16 for the purchase and installation of a new boiler for City Hall for a cost of \$139,094.54 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 458

RESOLUTION AUTHORIZING A CONTRACT IN THE AMOUNT OF \$139,094.54 WITH TOMMY KLEIN CONSTRUCTION, INC., FOR THE PURCHASE AND INSTALLATION OF A BOILER AT CITY HALL, THROUGH BUYBOARD

10. Approved a resolution awarding an agreement for Agronomic Compliance Consulting Services for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 459

RESOLUTION AWARDING A CONTRACT FOR AGRONOMIC COMPLIANCE CONSULTING SERVICES TO AGRI-WASTE TECHNOLOGY, INC. IN THE AMOUNT OF \$165,000.00

11. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Midway Lift Station and Force Main Project. (PURCHASING)

RESOLUTION NO. 2018 - 460

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE MIDWAY LIFT STATION AND FORCE MAIN PROJECT.

12. Approved a resolution approving the 2019 City Council meeting dates. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 461

RESOLUTION ESTABLISHING THE DATES OF THE REGULAR CITY COUNCIL MEETINGS TO BE HELD DURING THE CALENDAR YEAR 2019

14. Approved a motion authorizing the acceptance of reimbursement funds from the Texas Department of State Health Services in the following amounts for the following purposes. \$5,921.00 to assist the City of Midland Health and Senior Services Division (City) with delivery of Refugee Immunization Services; \$150,358.00 to assist the City with delivery of Immunizations Services; \$102,190.00 to assist the City with delivery of Public Health Emergency Preparedness Services; authorizing the City Manager or his designee to execute all necessary acceptance documents; and authorizing and directing the City Treasurer to deposit the funds into the General Fund. (COMMUNITY SERVICES)
15. Approved a motion approving a proposed preliminary plat of PNR Midland Park, being a plat of a 75.4-acre tract of land out of the south half of the southeast quarter of Section 28, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, generally located at the southwest corner of the intersection of North County Road 1140 and East Loop 250 North - Extraterritorial Jurisdiction. (DEVELOPMENT SERVICES)
16. Approved a motion on request by Wilshire Park Baptist Church, to defer paving improvements for Western Hills, Section 13, and to waive the corresponding financial security guarantee valued at \$61,515.00, an amount equal to the estimated cost of construction. The subject property is generally located on the northeast corner of Bentwood Drive and Pleasant Drive. (ENGINEERING SERVICES)
17. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Navitas Midstream Midland Basin LLC. (UTILITIES)

RESOLUTION NO. 2018 - 463

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND NAVITAS MIDSTREAM MIDLAND BASIN, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 10, BLOCK 37, TOWNSHIP 3 SOUTH, B.W. FLOYD SURVEY, A-902, MIDLAND COUNTY, TEXAS

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

13. Consider a resolution authorizing a second amendment to commercial hangar lease agreement regarding certain real property located at Midland International Air & Space Port. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 462

RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THAT CERTAIN COMMERCIAL HANGAR LEASE AGREEMENT WITH THE MIDLAND DEVELOPMENT CORPORATION REGARDING CERTAIN REAL PROPERTY LOCATED AT MIDLAND INTERNATIONAL AIR & SPACE PORT AND DESCRIBED AS HANGARS S-11A AND S-11B, AND TRACTS 4-A AND 4-B, LOCATED IN LOT 1, BLOCK 13, INDUSTRIAL PARK REGIONAL AIR TERMINAL, UNIT 12, MIDLAND, MIDLAND COUNTY, TEXAS

Council Member Robnett moved to adopt Resolution No. 2018 - 462; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: Robnett. ABSTAIN: None. ABSENT: None.

SECOND READINGS

18. Consider an ordinance on seconding reading on a request by Tkilaz Mexican Restaurant Bar and Grill 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 northeast corner of the intersection of North Garfield Street and West Loop 250 North. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9835

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 10,250-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH GARFIELD STREET AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9835.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9835 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.

19. Consider an ordinance on second reading on a request by Maverick Engineering to vacate a 0.31-acre tract of right-of-way generally located south of Andrews Highway, approximately 804 feet west of Midland Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9836

AN ORDINANCE VACATING AND ABANDONING A 0.31-ACRE PORTION OF RIGHT-OF-WAY OUT OF HILLCREST ACRES LOCATED IN THE NORTHEAST QUARTER OF SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 610 FEET SOUTH OF ANDREWS HIGHWAY AND APPROXIMATELY 804 FEET WEST OF MIDLAND DRIVE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$4,650.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9836.

Council Member Love moved to approve the second and final reading of Ordinance No. 9836 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.

20. Consider an ordinance on second reading designating right-of-way as Tax Abatement Reinvestment Zone Number 2018-01, for commercial-industrial tax abatement as authorized by Chapter 312 of the Texas Tax Code. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9837

AN ORDINANCE OF THE CITY OF MIDLAND, TEXAS, DESIGNATING A 0.79-ACRE TRACT OF LAND OUT OF LOTS 5, 6, 7 AND 8 AND THE RIGHTS-OF-WAY ADJACENT THERETO, BLOCK 35, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST TEXAS AVENUE), AS TAX ABATEMENT REINVESTMENT ZONE NUMBER 2018-01, FOR COMMERCIAL AND INDUSTRIAL TAX ABATEMENT, AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF DECEMBER 1, 2018

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9837.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9837 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.

PUBLIC HEARINGS

21. Hold a public hearing and consider an ordinance on a request by Sonny Aguilar for a Specific Use Permit with Term for the sale of alcohol for on-premises consumption, in a parking lot generally located southeast of the intersection of North Colorado Street and West Ohio Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9838

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS 11 AND 12, BLOCK 26, ORIGINAL TOWN ADDITION, AND A PREVIOUSLY VACATED 0.032-ACRE PORTION OF WEST OHIO

AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO LOT 12, BLOCK 26, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST OHIO 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 PARKING LOT WITH SEATING 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 SueAnn Reyes read the caption of Ordinance No. 9838.

Development Services Director Chuck Harrington gave a brief overview of the item noting the pop-up market is wishing to provide alcoholic beverages themselves instead of through a caterer. Their proposed hours are Monday through Thursday from 11:00 a.m. to 10:00 p.m., Friday and Saturday from 10:00 a.m. to 12:00 a.m. and Sundays from 10:00 a.m. to 10:00 p.m. There are no churches or schools within 300 feet and the item is in compliance with the comprehensive plan. Staff recommends approval subject to conditions A-F.

Mayor Morales opened the public hearing at 10:18 a.m.

Sonny Aguilar, 4120 Springfield Court, reported it will be no different from last year but will allow the opportunity to provide alcohol for every market. When asked if he would object to changing the start time on Sundays to 11:00 a.m. he had no objection.

Gloria Salazar, 2504 Candle Cove, voiced support of granting the special use permit.

Monica Ramirez, 1602 McClintic, spoke in favor of the market and Bus 22. There were no incidents in the past year. When asked how doors are managed she reported that every market has security officers.

There being no one else wishing to speak, the public hearing was closed at 10:21 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9838 in accordance with the Charter of the City of Midland with the amendment to change alcohol service hours on Sundays from 11:00 a.m. to 10:00 p.m.; 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.

22. Hold a public hearing and consider a resolution on a request by Cody Reynolds for a Temporary Land Use for a Christmas Tree Lot generally located on the west side of North Midland Drive, approximately 180 feet south of West Dengar Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 464

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHRISTMAS TREE LOT ON LOT 1, BLOCK 1, SCOTSDALE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDLAND DRIVE, APPROXIMATELY 180 FEET SOUTH OF WEST DENGAR

AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for the annual Christmas tree lot located at Casa Verde. The event will run from November 10 through December 25. It is in compliance with the comprehensive plan, no letters of objection have been received, and staff recommends approval.

Mayor Morales opened the public hearing at 10:23 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2018 - 464; 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.

23. Hold a public hearing and consider an ordinance on a request by Carl Englestad for a Special Exception from the City of Midland Zoning Ordinance, landscape design standards generally located south side of East New Jersey Avenue, approximately 300 feet west of South Lamesa Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9839

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1A, BLOCK, 19, SOUTH PARK ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF EAST NEW JERSEY AVENUE, APPROXIMATELY 300 FEET WEST OF SOUTH LAMESA ROAD), BY EXEMPTING SAID PROPERTY FROM THE REQUIREMENTS OF SECTION 11-9-3, "LANDSCAPE DESIGN STANDARDS" OF THE CITY CODE; 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 SueAnn Reyes read the caption of Ordinance No. 9839.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a special exception to landscape design standards which requires ten shade trees. They will have RV Storage with 45 bays and the existing shop will remain on site. Staff reviewed and found no hardships. One letter of objection was received. It was noted that the objection was from someone who was objecting to a mobile home park which this is not. When asked about other properties in the area, Mr. Harrington reported the property across the street was an existing building and a small accessory building was added so it did not require improvements. Another property across the street is a scrap metal location and the property has been cleaned up. It also had adequate trees already on site. That property was required to pave their parking lot.

Mayor Morales opened the public hearing at 10:28 a.m.

Carl Englestad, 1006 E. New Jersey, reported the person who thought it was an RV park was told by City staff it was an RV park. This has been a financial hardship on him noting he was originally told he had to have sidewalks, and when he asked to defer that he was told to hire an engineer and propose a plan for the cost of the sidewalk, which he did. Now he finds out that sidewalks are not required. He asked to be treated the

same as the other properties and did not want to pave or landscape. When he first began this process, he was told that landscaping was not required and doesn't understand why it is now required.

Council Member Love clarified that Mr. Englestad's frustration is having spent on money based on directives from the City that he didn't have to spend.

Mr. Englestad showed pictures of the neighboring properties and said that if he paves he should not have to provide drainage plans. Mr. Englestad requested his permit to start construction with a deferral waiver for exceptions for driveway, landscape and runoff. Council Member Lacy reported the runoff is required because when asphalt is added it causes runoff to go to a neighboring property. Council cannot consider the driveway because it is not on this item.

There being no one else wishing to speak, the public hearing was closed at 10:47 a.m.

Council questioned why paving was not included in this item. Assistant City Manager Frank Salvato showed a copy of the application for the special exception noting that only sidewalks and landscaping was included in the application.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9839 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: Hotchkiss. ABSTAIN: None. ABSENT: None.

24. Hold a public hearing and consider an ordinance on a request by Green Pasture Ventures (Dave Meaden) for annexation of a 9.75-acre tract generally located on the northwest intersection of Tradewinds Boulevard and Thomason Drive - Extraterritorial Jurisdiction. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9840

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 9.75-ACRE TRACT OF LAND OUT OF THE NORTHEAST QUARTER OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE); APPROVING A PUBLIC SERVICE PLAN; ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9840.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is the final public hearing. The property will become a multi-family development. No letters of objection have been received and staff recommends approval.

Mayor Morales opened the public hearing at 10:51 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9840 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.

25. Hold a public hearing and consider an ordinance on a request for annexation of a 16.386-acre tract of land generally located south of the intersection of Tradewinds Boulevard and Thomason Drive - Extraterritorial Jurisdiction. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9841

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 16.386-ACRE TRACT OF LAND OUT OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, AND SECTION 1, BLOCK 40, T-2-S, T&P RR CO. SURVEY, AND A 4.487-ACRE TRACT OF LAND OUT OF THE NORTHEAST QUARTER OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE); APPROVING A PUBLIC SERVICE PLAN; ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9841.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is the final public hearing. This is for the annexation of a 16 plus acre tract of right-of-way for Tradewinds and Thomason. No letters of objection have been received and staff recommends approval.

Mayor Morales opened the public hearing at 10:53 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9841 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.

26. Hold a public hearing and consider annexation of a 123.28-acre tract located in Sections 37 and 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, (generally located approximately 703 feet west of the intersection of Tradewinds Boulevard and Thomason Drive - Extraterritorial Jurisdiction). This is a public hearing only. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting this is for the annexation of a 123.28-acre tract of land for a future school site. This gives the opportunity to connect to City utilities. No letters of objection have been received and staff recommends approval.

Mayor Morales opened the public hearing at 10:54 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

27. Hold a public hearing and consider an annexation of a 25.410-acre tract located in Section 38, Block 40, T-1-S, T&P RR Co Survey, Midland County, Texas, (generally located approximately 896 feet south of State Highway 191 and 1,020 feet west of Avalon Drive - Extraterritorial Jurisdiction). This a public hearing only. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for the annexation of a 25-acre tract of land for a proposed multi-use of retail and multi-family. This will allow them to bring in public utilities to the site. No letters of objection have been received and staff recommends approval.

Mayor Morales opened the public hearing at 10:55 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

28. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for a vacation of the 0.058-acre portion of alley right-of-way generally located approximately 207 feet east of Austin Street and approximately 397 feet north of Bedford Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9842

AN ORDINANCE VACATING AND ABANDONING A 0.058-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOT 1, BLOCK 1, MIDKIFF HEIGHTS ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 207 FEET EAST OF AUSTIN STREET AND APPROXIMATELY 397 FEET NORTH OF BEDFORD AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$7,579.44; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9842.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is proposed development of multi-family housing. Midland Central Appraisal District values the land at \$3 per square foot for a total of \$7,579.44. No letters of objection were received, and staff recommends approval subject to conditions A and B.

Mayor Morales opened the public hearing at 10:57 a.m.

Andrew Mellen, Maverick Engineering, reported the owner does not need the alley and has asked for it to be vacated. He also noted that the alley will cost more than what he paid for the land. He is building affordable housing for his hotel staff.

Gloria Salazar, 2504 Campbell Tree Cove, owns 1211 Austin and asked what this meant to her. Mayor Morales responded the applicant was purchasing the right-of-way, would clean it up and maintain it.

It was unclear if the owner on the other side of the alley had signed off on this item. City Attorney John Ohnemiller reported that when right-of-way is vacated, the property is split to the centerline and given to the adjacent owners. This issue must be cleared up prior to vacating the right-of-way.

There being no one else wishing to speak, the public hearing was closed at 11:02 a.m.

City Attorney John Ohnemiller reported that the City needs something in writing from the adjacent property owner prior to the second reading.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9842 in accordance with the Charter of the City of Midland with the amendment to change the value to \$2.50 per square foot; 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.

29. Hold a public hearing and consider an ordinance on a request by Maverick Engineering, for a zone change from a PD, Planned District for a Shopping Center, to PD, Planned District for a Housing Development, generally located on the northeast corner of South Loop 250 West and Leisure Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9843

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1 AND 2, BLOCK 162, THE SOUTH 3.138 ACRES OUT OF LOT 1, BLOCK 163, AND THE PREVIOUSLY VACATED 0.51-ACRE PORTION OF EXECUTIVE DRIVE RIGHT-OF-WAY LOCATED ADJACENT TO LOT 2, BLOCK 162, AND LOT 1, BLOCK 163, ALL OUT OF WILSHIRE PARK ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH LOOP 250 WEST AND LEISURE DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Mayor Morales read the caption of Ordinance No. 9843.

Development Services Director Chuck Harrington gave a brief overview of the item noting the property is currently vacant and the owner is proposing to develop it as multi-family. The site plan shows six apartment buildings with 256 total units with a density of 28.73 units per acre. Adequate parking is proposed. It will be a gated community with proper setbacks and meets all requirements. Staff recommends approval subject to conditions A-C. No letters of objection have been received.

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

Andrew Mellen, Maverick Engineering, reported it would be 256 units, 3 stories and will look real nice along Loop 250. Maverick tried developing this site two other times with two other clients. This client has purchased an additional 9 acres and it seems like a good product for this location. The owners are present to answer questions.

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

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9843 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.

30. Hold a public hearing and consider an ordinance on a request by Vandergriff Group Architects, for a Zone Change from a PD, Planned District for a Shopping Center, to an Amended PD, Planned District for a Shopping Center, generally located on the west side of Whitmire Boulevard approximately 250 feet south of West Loop 250 North Frontage Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9844

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 4A, BLOCK 8, WHITBURN ESTATES ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF WHITMIRE BOULEVARD, APPROXIMATELY 250 FEET SOUTH OF WEST LOOP 250 NORTH FRONTAGE 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 SueAnn Reyes read the caption of Ordinance No. 9844.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a request to amend a Planned Development. Centennial Library would like to install a storage building on the rear of their property in order to change out exhibits more quickly. It will be 1,506 square feet with a maximum height of 16 feet. The item has been circulated to all departments. Staff recommends approval and no letters of objection have been received.

Mayor Morales opened the public hearing at 11:13 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9844 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.

31. Hold a public hearing and consider an ordinance on a request by Landgraf, Crutcher & Associates Inc. for a vacation of the 0.10-acre portion of West Texas Avenue generally located on the south side of West Texas Avenue between North N Street and North M Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9845

AN ORDINANCE VACATING AND ABANDONING A 0.10-ACRE PORTION OF WEST TEXAS AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 1 THROUGH 6, BLOCK 77, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST TEXAS AVENUE BETWEEN NORTH N STREET AND NORTH M STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$17,040.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9845.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for St. Ann's. Midland Central Appraisal District values the land at \$4 per square foot. The item has been reviewed by all pertinent departments and franchise utilities. Staff recommends approval subject to conditions A and B. No letters of objection have been received. Mr. Harrington further clarified that this will allow them to

build closer to the street to meet their setbacks. The curb line will remain the same. Council Member Robnett asked if a variance was considered rather than selling the right-of-way.

Mayor Pro Tem Robnett opened the public hearing at 11:18 a.m.

David Eyler, 8812 Edenburg, reported they are preparing to execute the first phase of a long-term project that will cost \$9 million for a new youth activity center. The preliminary design for the youth center extends onto the current City setback and they are requesting to purchase the easement. The curb will remain the same and they will finish it out with a walkway, trees and handicapped access. They will be responsible for improving that area.

Douglas Page, 611 W. Estes, expressed concern noting that Texas was supposed to be paired with Illinois with one-way traffic each way. Because of the congestion in this area everyone goes down Wall. He sees this as an opportunity for the City to pursue access from Illinois east of the church's property. He also thought that \$4 was too high for that property and cited other examples where different amounts were charged.

There being no one else wishing to speak, the public hearing was closed at 11:26 a.m.

Council Member Love encouraged staff to look at what Mr. Page said noting he agreed with him.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9845 in accordance with the Charter of the City of Midland with the amendment to waive the cost; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: Morales. ABSENT: None.

32. Hold a public hearing and consider an ordinance on a request by We Can't Believe It's Not, LLC dba Butter, for a Specific Use Permit with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant, generally located on the south side of Spring Park Drive, approximately 685 feet from North Big Spring. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9846

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4,633-SQUARE FOOT PORTION OF LOT 2, BLOCK 1, CORPORATE PLAZA ADDITION, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF SPRING PARK DRIVE, APPROXIMATELY 685 FEET EAST OF NORTH BIG SPRING STREET), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9846.

Development Services Director Chuck Harrington gave a brief overview of the item noting adequate parking is available. The alcohol service hours will be Monday through Sunday from 10:00 a.m. to 12:00 a.m. There are no schools or churches within 300 feet. The item has been reviewed by all departments with no comments. The item meets the comprehensive plan and staff recommends approval subject to Conditions A-G. No letters of objection have been received.

Mayor Morales opened the public hearing at 11:31 a.m.

Anthony Bouselli, 400 W. Illinois, speaking on behalf of the applicant, reported they will have American fare and are excited to have it up and running. Council Member Lacy asked if they would object to changing their alcohol service hours on Sunday to start at 11:00 a.m. Mr. Bouselli noted they preferred it as requested but would concede to the precedent that has been set.

There being no one else wishing to speak, the public hearing was closed at 11:32 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9846 in accordance with the Charter of the City of Midland with the amendment to change Sunday alcohol service hours from 11:00 a.m. to 12:00 a.m.; 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. Hold a public hearing and consider a resolution on a request by Becky McCraney for approval of a Temporary Land Use for a holiday event generally located approximately 173 feet south of Princeton Avenue and approximately 158 feet west of Ward Street. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 465

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A HOLIDAY EVENT ON LOT 3B, BLOCK 6, PARK PLACE, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 173 FEET SOUTH OF PRINCETON AVENUE AND APPROXIMATELY 158 FEET WEST OF WARD STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is requesting a temporary land use permit to hold the holiday event. They will operate November 18 through December 16 with operation hours on Sundays from 1:00 p.m. to 5:00 p.m. This will be a ticketed event with a photobooth, hot chocolate, and cookies. Staff reviewed the item and it has been circulated to all departments. Staff recommends approval subject to Conditions A-H. No letters of objection have been received.

Mayor Morales opened the public hearing at 11:34 a.m.

Becky McCraney, 4410 Cherrywood, reported they plan to offer a Santa experience. Due to the growth, they are making it a ticketed event to have more control. They need to provide a tent for better security and to allow all kids to enjoy the experience. She hoped Council would approve the item.

There being no one else wishing to speak, the public hearing was closed at 11:35 a.m.

Council Member Love moved to adopt Resolution No. 2018 - 465; 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.

34. Hold a public hearing and consider an ordinance request by Chapel Samuels, for a Specific Use Permit without Term for a Mobile Home Park generally located on the north side of E. Dormard Avenue, approximately 516 feet east of North Lamesa Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9847

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 1, REPLAT OF BLOCKS 1 AND 2, HOLLANDALE HEIGHTS, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF EAST DORMARD AVENUE, APPROXIMATELY 516 FEET EAST OF NORTH LAMESA ROAD), WHICH IS PRESENTLY ZONED O-1, OFFICE DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A MOBILE 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 SueAnn Reyes read the caption of Ordinance No. 9847.

Development Services Director Chuck Harrington gave a brief overview of the item noting it was for a Specific Use Permit without term for a mobile home park. The proposal is to locate modular homes but because the lots are not individually owned it will be operating as a mobile home park. The density will be 7.23 units per acre. There is interior circulation and all sites will have 2 tangent parking spaces. It will require each unit to have a minimum of 120 square feet of storage space. Planning & Zoning unanimously denied this item yesterday. This will require a supermajority for approval.

Mayor Morales opened the public hearing at 11:38 a.m.

Robert Rendall, 6 Desta Drive, Suite 1000, gave an overview of the project on behalf of the developer noting the homes meet all building requirements and will have permanent foundations and permanent plumbing. There will be 12 units total, all two-bedroom, two-bathroom units with two parking spaces. Pictures were provided of a similar development outside of Jackson Hole, Wyoming. They met with the neighborhood and the Montessori school to address their concerns. Their concerns included safety to the school. They will have an on-site manager that should alleviate those concerns. They will also require each applicant to go through a background check. They have also included the safeguard that only two adults will be allowed per unit and no vehicle larger than a large pick-up truck will be allowed on site. They made a commitment that if the neighborhood starts to have issues with their residents parking in front of neighboring homes, they will ask Council for a no parking zone on the adjoining residential streets.

There will be an 8-foot wooden fence along the draw and west side and a decorative fence on the front.

William Dall, New Orleans, LA, reported their intent is not to have a man camp of any style. Their primary objective is to bring a family-style residential community to the neighborhood. They will limit this to two adults per home. Each unit has a furnished kitchen, laundry room and two parking spaces and will include green space on the outside and front porches. They expect the rents to be \$1,800 to \$2,000 per month.

Natalie London, 2908 N. Lamesa, representing Yucca Blossom Montessori School, reported the school is trying to create something better for Midland. She objected because the applicant is marketing this project as affordable housing but are charging \$1,800-\$2,000 per month and because these will not be long-term rentals. Dormard is a narrow street and a small community of people who have invested their life savings for permanent homes. She provided images for what the applicant's other development looks like now through satellite imaging.

Matthew Galindo, 1118 Dormard, found this as a temporary fix for a temporary problem. The boom will not last forever. He is worried about property values going down and for the safety of his children. If a home has more than two vehicles, they will end up parked in front of his home. He thinks this would be an amazing property for the school.

Catherine Sweaney, 5506 Casa Grande, has a child at the school. She has worked in a hotel and has changed over rooms at 2 a.m. just so an oil company can shove another person in. Her main concern is for the expansion of the school.

Analisa McCain, 1209 Douglas, didn't see how this development would attract families without amenities such as a swimming pool or playground. She expressed concern for the safety of her children with added traffic in the area. She is not in favor of this item.

Jennifer Rodarte, 1310 E. Dormard Avenue, was opposed to the project noting that most of the people in the neighborhood can't afford to move anywhere else. They have children and are concerned for their safety.

Jennifer Castruita, 2413 Dormard, heard initially these would be marketed to teachers and first responders. She was first told they would rent for \$1,400 per month but now hears \$2,000 and felt a teacher could not afford to pay that much. She has small children, and this is a quiet neighborhood with no crime in the last six years. Their children can walk to the neighbors houses without worry. She objected to this development.

There being no one else wishing to speak, the public hearing was closed at 12:10 p.m.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9847 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Council Member Love read about a study regarding mobile home parks noting they were typically relegated to disadvantaged areas. The study also showed that statistically there was no difference in crimes with the surrounding areas.

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

35. Hold a public hearing and consider a resolution on a request by MODE Communications for approval of a Temporary Land Use Permit for a Christmas festival generally located southeast of the intersection of Big Spring Street and West Wall Street. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 466

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHRISTMAS FESTIVAL ON A 15,185.5 SQUARE FOOT PORTION OF BLOCK 64, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF BIG SPRING STREET AND WEST WALL STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a community, family-friendly event. Staff reviewed the item and recommends approval subject to conditions. No letters of objection have been received.

Mayor Morales opened the public hearing at 12:22 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Sparks moved to adopt Resolution No. 2018 - 466; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

MISCELLANEOUS

36. Consider an ordinance amending Title II, Commissions and Boards, Chapter 6, "Building Code Review Committee" to rename the chapter, "Building and Fire Code Review Committee and to set forth the duties and representatives of the Committee. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9848

AN ORDINANCE AMENDING TITLE II, "COMMISSIONS AND BOARDS", CHAPTER 6, "BUILDING CODE REVIEW COMMITTEE", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO RENAME SAID CHAPTER "BUILDING AND FIRE CODES REVIEW COMMITTEE AND TO SET FORTH THE DUTIES AND REPRESENTATIVES OF SAID COMMITTEE AND OTHER MATTERS RELATED THERETO; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9848.

Building Official Steve Thorpe reported this would amend the Building Code Review Committee by adding Fire Code review. It also sets up the committee to actively act as the Construction and Building Code Board of Appeals related to enforcement or interpretation of Building and Fire Codes for the City.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9848 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.

PUBLIC COMMENT

37. 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.)

Tommy Taylor, 4100 Timberglen Circle, gave a history of nuclear power plants in the United States and spoke about the fuel rods that are put in a boron bath and cooled to 500 degrees and put in a dry cast. Since 1982 the U.S. Government has been looking for a permanent repository for the fuel rods and has not been able to find one. Andrews County is currently a WCS site and has applied for a permit to store 4,000 of the casts. Just one cast contains as much radiation as was released in Chernobyl. Eddy and Lea Counties have also applied to store 16,000 of the casts. 20,000 of these rods will be stored in the Permian Basin putting at risk our important energy production. All of Andrews County waste would come right down the railroad tracks where several accidents have already occurred. He thinks it is a bad idea and asked Council to pass a resolution letting the regulatory agency, Andrews, Lea and Eddy Counties know the City of Midland is not willing to put the City at risk. The last day to file is November 19.

EXECUTIVE SESSION

38. 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 551.087, Deliberate Economic Development Negotiations
 - a.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 go to Executive Session at 12:34 p.m.

All the business at hand having been completed, the meeting adjourned at 1:45 p.m.

PASSED AND APPROVED the 20th day of November 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary