

**MIDLAND CITY COUNCIL
MINUTES
June 11, 2019**

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., June 11, 2019.

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

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

Mayor Morales called the meeting to order at 10:01 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:
 - a. Mayor Morales presented a proclamation for "Emancipation Proclamation Celebration Days".

CONSENT AGENDA

4. Approved a motion approving the following minutes:
 - a. Regular City Council meeting of May 28, 2019
 - b. Special City Council meeting of June 4, 2019
5. Approved a resolution awarding a contract for the Microwave Remediation Project Phase Two (2) to Johnston Technical Services, Inc. DBA JTS through Department of Information Resources (DIR) contract DIR-TSO-3965 for a cost of \$432,340.79 plus \$108,085.20 in contingencies for a total project cost of \$540,425.99 for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2019 - 169

RESOLUTION AWARDING A CONTRACT TO JOHNSON TECHNICAL SERVICES, INC., FOR PHASE TWO OF THE MICROWAVE REMEDIATION PROJECT THROUGH

THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$432,340.79; AND APPROVING \$108,085.20 FOR CONTINGENCIES

6. Approved a resolution approving the issuance of a request for proposals for Voluntary Long Term Disability/Short Term Disability, Basic Life Insurance, Accidental Death & Dismemberment and Voluntary Term Life and Employee Assistance Provider. (PURCHASING)

RESOLUTION NO. 2019 - 170

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR VOLUNTARY LONG TERM DISABILITY AND SHORT TERM DISABILITY INSURANCE, BASIC LIFE INSURANCE, ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE, VOLUNTARY TERM LIFE INSURANCE, AND AN EMPLOYEE ASSISTANCE PROGRAM FOR THE ADMINISTRATIVE SERVICES DEPARTMENT

7. Approved a resolution approving the issuance of a request for proposals for Internet based Employee Benefits Enrollment. (PURCHASING)

RESOLUTION NO. 2019 - 171

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR INTERNET-BASED EMPLOYEE BENEFITS ENROLLMENT SERVICES FOR THE ADMINISTRATIVE SERVICES DEPARTMENT

8. Approved a resolution approving the issuance of a request for proposals for outsourcing Bill Printing and Mailing Services. (PURCHASING)

RESOLUTION NO. 2019 - 172

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR BILL PRINTING AND MAILING SERVICES FOR THE FINANCE DEPARTMENT

9. Approved a resolution approving the issuance of a request for proposals for Collection Services. (PURCHASING)

RESOLUTION NO. 2019 - 173

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR COLLECTION SERVICES FOR THE FINANCE DEPARTMENT

10. Approved a resolution approving the issuance of a request for bids for Janitorial Services for City Hall, Police and Communications, Municipal Court, Health Department, Animal Services, Transportation, Municipal Garage Office and Shop, Parking Garage, Bank of America building and Vehicle Services for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 174

RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR JANITORIAL SERVICES FOR CITY BUILDINGS

11. Approved a resolution approving Change Order Two (2) to the Fiscal Year 2018 Citywide Concrete Program contract for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2019 - 175

RESOLUTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER TO THE CONTRACT WITH ONYX GENERAL CONTRACTORS, LLC REGARDING THE FISCAL YEAR 2018 MIDLAND CITYWIDE CONCRETE PROGRAM; SAID CHANGE ORDER TO PROVIDE FOR VEHICULAR AND PEDESTRIAN TRAFFIC IMPROVEMENTS ASSOCIATED WITH ROAD BOND PROJECTS AT OR NEAR TARLETON STREET BETWEEN GOLF COURSE ROAD AND WADLEY AVENUE; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$250,000.00

12. Approved a resolution authorizing the employment of the law firm of Brown & Hofmeister, L.L.P. to provide legal services to the City of Midland related to the adoption of impact fees. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2019 - 176

RESOLUTION AUTHORIZING THE EMPLOYMENT OF THE LAW FIRM OF BROWN & HOFMEISTER, L.L.P. TO PROVIDE LEGAL SERVICES TO THE CITY OF MIDLAND RELATED TO THE ADOPTION OF IMPACT FEES.

13. Approved a motion approving a proposed preliminary plat of Happy Cove Ranch Estates, being a plat of a 30.5-acre tract of land out of Section 14, Block 40, T-1-S T&P RR Co. Survey, Midland County, Texas, (generally located on the southwest corner of the intersection of North County Road 1246 and West County Road 41- Extraterritorial Jurisdiction). (DEVELOPMENT SERVICES)
14. Approved a resolution accepting a 2.24 acre and .209-acre Utility Easements from SBC L.P., for Public Utilities. Easements are associated with the Stonehawk plat plan for the Grassland development. (City of Midland, Midland County). (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 177

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 2.240-ACRE UTILITY EASEMENT AND A 0.209-ACRE UTILITY EASEMENT OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

15. Approved a resolution accepting a 1.94 acre and a .86-acre Road and Utility Easements from Fairgrounds Partners, for Public Utilities. Easements are associated with the proposed Fuse Industrial Park. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 178

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 1.94-ACRE ROAD AND UTILITY EASEMENT AND A 0.86-ACRE ROAD AND UTILITY EASEMENT OUT OF SECTION 36, BLOCK 39, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

16. Approved a resolution authorizing Midland County, Texas to perform paving services on Midkiff Road and on Cotton Flat Road in accordance with the City-County Interlocal Cooperation Contract authorized by Resolution No. 2013-401. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 179

RESOLUTION AUTHORIZING MIDLAND COUNTY, TEXAS TO PERFORM PAVING SERVICES ON MIDKIFF ROAD, FROM A POINT APPROXIMATELY 720 FEET SOUTH OF THE CENTERLINE OF INTERSTATE 20 TO A POINT AT THE SOUTHERN BOUNDARY OF THE CITY OF MIDLAND, AND ON COTTON FLAT ROAD, FROM A POINT APPROXIMATELY 747 FEET SOUTH OF THE CENTERLINE OF INTERSTATE 20 TO A POINT AT THE SOUTHERN BOUNDARY OF THE CITY OF MIDLAND, IN ACCORDANCE WITH THE CITY-COUNTY INTERLOCAL COOPERATION CONTRACT AUTHORIZED BY RESOLUTION NO. 2013-401; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$488,673.97

17. Approved a resolution setting the date, time, and location of a public hearing to consider the imposition of water, wastewater, and roadway impact fees. (Citywide) (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 180

RESOLUTION SETTING THE DATE, TIME, AND LOCATION OF A PUBLIC HEARING TO CONSIDER THE IMPOSITION OF WATER, WASTEWATER, AND ROADWAY IMPACT FEES

SECOND READINGS

18. Consider an ordinance on second reading on a request by VIA Real Estate, LLC, for a zone change from PD, Planned District for a Housing Development, to BP, I-20 Business Park District on a 1.316-acre portion of land generally located on the southwest corner of the intersection of Cholla Road and Antelope Trail. (DEVELOPMENT SERVICES) (First reading held May 28, 2019)

ORDINANCE NO. 9927

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.316-ACRE PORTION OF LOT 1, BLOCK 2, SOUTHWEST CROSSING, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS A BP, I-20 BUSINESS PARK DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF CHOLLA ROAD AND ANTELOPE TRAIL); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9927.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9927 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

19. Consider an ordinance on second reading on a request by Caiti Kincaid DBA Strategic Restaurant Concepts, LLC, for a Zone Change from a PD, Planned District for a

Shopping Center, to an Amended PD, Planned District for a Shopping Center generally located on the south side of W. Loop 250 North, approximately 220 feet west of N. Midkiff Road. (DEVELOPMENT SERVICES) (First reading held May 28, 2019)

ORDINANCE NO. 9928

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 7, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 220 FEET WEST OF NORTH MIDKIFF ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9928.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9928 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

20. Consider an ordinance on second reading on a request by Lori Law DBA The Lost Cajun, for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, generally located on the south side of W. Wadley Avenue, approximately 312 feet east of Mark Lane. (DEVELOPMENT SERVICES) (First reading held May 28, 2019)

ORDINANCE NO. 9929

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 3G, BLOCK 6, SCOTSDALE ADDITION, SECTION 19, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 312 FEET EAST OF MARK LANE), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9929.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9929 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

21. Consider an ordinance on second reading on a request by Tony Frescaz DBA Librado, for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on premises consumption in a restaurant, on northeast corner of the intersection of North Garfield and West Loop 250 North. (DEVELOPMENT SERVICES) (First reading held May 28, 2019)

ORDINANCE NO. 9930

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9930.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9930 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

22. Consider an ordinance on second reading on a request by Kent Distributors to vacate a 0.14-acre of alley right-of-way, generally located on the south side of West Francis Avenue, approximately 135 feet east of Rankin Highway. (DEVELOPMENT SERVICES) (First reading held May 28, 2019)

ORDINANCE NO. 9931

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9931.

Council Member Love moved to approve the second and final reading of Ordinance No. 9931 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

23. Consider an ordinance on second reading on a request by Francisco Gomez Castellanos for a Specific Use Permit with term, for the sale of all alcoholic beverages, for on-premises consumption, in a bar, on a 3,600 square foot portion of Lot 1, Block 8,

Polo Park, Section 3, City and County of Midland, Texas. (DEVELOPMENT SERVICES)
(First reading held May 28, 2019)

ORDINANCE NO. 9932

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,600-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH GARFIELD STREET AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9932.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9932 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

24. Consider an ordinance on second reading on a request by Jun Yu for a Specific Use Permit, with Term, for the sale of beer and wine for on-premises consumption, in a restaurant, generally located on the west side of North Midkiff Road, approximately 200 feet north of West Wadley Avenue. (DEVELOPMENT SERVICES) (First reading held May 28, 2019)

ORDINANCE NO. 9933

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,068-SQUARE FOOT PORTION OF LOT 18, BLOCK 1, PROVIDENCE PARK ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 200 FEET NORTH OF WEST WADLEY AVENUE), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF BEER AND WINE IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9933.

Council Member Trost moved to approve the second and final reading of Ordinance No. 9933 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

25. Consider an ordinance on second reading on a request by Brady Helm for a Special Exception from the City of Midland Zoning Ordinance, concerning the construction standards of detached accessory structures generally located on the west side of Shawnee, approximately 498 feet north of Tejas. (DEVELOPMENT SERVICES) (First reading held May 28, 2019)

ORDINANCE NO. 9934

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 16, BLOCK 1, 349 RANCH ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SHAWNEE, APPROXIMATELY 498 FEET NORTH OF TEJAS), BY PERMITTING A METAL SKIN EXTERIOR ON A DETACHED ACCESSORY STRUCTURE THAT EXCEEDS 12 FEET IN HEIGHT AND THAT EXCEEDS 400 SQUARE FEET IN AREA; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9934.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9934 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

PUBLIC HEARINGS

26. Hold a public hearing and consider an ordinance on a request by Vineyard Reserve, LLC for a Special Exception from the City of Midland Zoning Ordinance, concerning front yard setbacks on a 126.155-acre tract of land generally located approximately 2,670 feet west of Holiday Hill Road and 300 feet north of Mockingbird Lane. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9935

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 77.433-ACRE TRACT OF LAND AND A 48.722-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 2,670 FEET WEST OF HOLIDAY HILL ROAD AND 300 FEET NORTH OF MOCKINGBIRD LANE), BY PERMITTING A REDUCED FRONT YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9935.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is an extension of their existing property to the west and will look like the rest of their development. They are asking for a minimum front-yard setback for water conservation efforts and a community feel. Staff reviewed the item, it meets the

comprehensive plan, and staff recommends approval subject to conditions A-C. No letters of objection have been received.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9935 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

27. Hold a public hearing and consider an ordinance on a request by SCI Texas Funeral Services, LLC. for a Zone Change from AE, Agriculture Estate District to LR-2, Local Retail District generally located on the east side of North Big Spring Street, approximately 604 feet North of East Loop 250 North. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9936

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 1, RESTHAVEN MEMORIAL PARK, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 604 FEET NORTH OF EAST 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 SueAnn Reyes read the caption of Ordinance No. 9936.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a zone change from AE to LR-2 to allow for a mortuary on the existing site. The rules do not allow for a mortuary and they are asking to make this change. Planning & Zoning recommended approval on May 20th. Staff recommends approval subject to condition A. No letters of objection have been received. When asked if a funeral home is the same as a mortuary Mr. Harrington believed it was. When asked if this could be turned into a gas station in the future, it was noted that the Ordinance restricts the use.

Mayor Morales opened the public hearing at 10:26 a.m.

Ben Sanchez, Parkhill, Smith & Cooper, noted that a mortuary does embalming on site. He confirmed there would not be cremations done on site. He provided a copy of their preliminary site plan showing where the building will sit. The applicant has no plans to sell any portion of the property at this time. They will be submitting their site plan through the normal process.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9936 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

28. Hold a public hearing and consider an ordinance on a request by GPV Midland, L.P., for Site Plan Approval on a 9.77-acre tract generally located on the northwest corner of the intersection of Tradewinds Boulevard and Thomason Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9937

AN ORDINANCE ADOPTING A SITE PLAN FOR A 9.77-ACRE TRACT OF LAND OUT OF SECTION 48, BLOCK 40, T-1-S, T&P RR. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9937.

Development Services Director Chuck Harrington gave a brief overview of the item noting the site was recently annexed in MF2 zoning. The applicant is requesting approval of their site plan. Staff reviewed the item, Planning & Zoning recommended approval on May 20th and no letters of objection have been received. Staff recommends approval subject to conditions A-C.

Mayor Morales opened the public hearing at 10:32 a.m.

Ben Sanchez, Parkhill Smith & Cooper provided handouts showing landscape drawings and amenities. Council Member Love thanked him for including more three bedrooms.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9937 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

29. Hold a public hearing and consider an ordinance on a request by Newton Engineering for a Zone Change from a PD, Planned District for a Shopping Center to an Amended PD, Planned District for a Shopping Center on a 1.92-acre portion generally located on the north side of Deauville Boulevard approximately 351 feet west of Tradewinds Boulevard. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9938

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.92-ACRE TRACT OF LAND OUT OF LOT 6B, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 12, 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 NORTH SIDE OF DEAUVILLE BOULEVARD, APPROXIMATELY 351 FEET WEST OF TRADEWINDS BOULEVARD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE;

PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9938.

Development Services Director Chuck Harrington gave a brief overview of the item noting applicant is requesting a Planned Development to allow for the development of a hotel. The land was previously zoned office retail. This will be a Candlewood Suites with 113 rooms and 121 parking spaces including 8 oversized spaces. The item was circulated and reviewed by all departments. It is in compliance with the comprehensive plan and was passed by Planning and Zoning on May 20th. Staff recommends approval subject to conditions A-C. No letters of objection have been received. Council Member Trost asked if the developer was local.

Mayor Morales opened the public hearing at 10:37 a.m.

John Newton, 3209 Caldera Boulevard, of Newton Engineering reported the developer is from Kansas City Missouri, and has several hotels developed in the area including one in Midland off I-20. This hotel will be in hotel row and the developer wants to put in a good project.

There being no one else wishing to speak, the public hearing was closed at 10:38 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9938 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: Trost. ABSENT: None.

30. Hold a public hearing and consider a resolution on a request by Edwin Jaquez for a Temporary Land Use for a Music Festival generally located on the northeast corner of the intersection of Tradewinds Boulevard and Champions Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 181

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

Development Services Director Chuck Harrington gave a brief overview of the item noting Council will not see this type of item again unless it is a new festival. The new zoning ordinance allows for repeating events to go through an administrative process. This is for the West Texas Blowout event with hours of July 19 from 4:00 p.m. to 1:00 a.m. and July 20 from 11:00 a.m. to 1:00 a.m. They will have live music, sale and consumption of alcohol, adequate security guards and restrooms. This item was reviewed by all departments and approved. No letters of objection have been received. Staff recommends approval subject to conditions A-H.

Mayor Morales opened the public hearing at 10:40 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Dufford moved to adopt Resolution No. 2019 - 181; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

31. Hold a public hearing and consider an ordinance on a request by Arthur Blake Hughes for a Specific Use Permit without Term for a kennel, generally located on the west side of North Lamesa Road, approximately 801 feet north of East Wadley Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9939

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 6, BLOCK 4, TANGLEWOOD ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH LAMESA ROAD, APPROXIMATELY 801 FEET NORTH OF EAST WADLEY AVENUE), WHICH IS PRESENTLY ZONED LR-1, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A KENNEL; 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. 9939.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for a specific use permit for a kennel. The facility was previously a gymnastics studio. They will have 20 kennels used for dogs being trained. It is in compliance with the City Code and has been circulated to all departments. They meet all requirements and staff recommends approval subject to conditions A-F. Council Member Hotchkiss asked if there was an outdoor area for the dogs to run.

Mayor Morales opened the public hearing at 10:45 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love suggesting deferring this item since there were unanswered questions.

Blake Hughes, 3501 N. Lamesa Road, reported there is an outside area available for the dogs to run and play. Their facility is for obedience training for the average person to get their dog trained. They will offer a 10-day program to teach the dogs obedience and then they will teach the owners. The dogs are boarded at the facility for the entire 10-day period. When asked about the outside area he clarified that his property is one acre and the entire back of the property has a 6-foot chain link fence. The animals will never be allowed to run free outside without supervision.

Council Member Hotchkiss suggesting changing this to a five-year term or less to ensure the Council is comfortable with the way this is being run. City Attorney John Ohnemiller noted that the ordinance allows the City Manager to revoke the permit if there are issues.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9939 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

32. Hold a public hearing and consider an ordinance on a request by Ismael Estrada for a Special Exception concerning the minimum lot area generally located on the east side of Chukar Lane, approximately 322 feet north of East Business I-20 Interstate. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9940

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3, BLOCK 1, ROLLING GREEN ACRES, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF CHUKAR LANE, APPROXIMATELY 322 FEET NORTH OF EAST BUSINESS INTERSTATE 20), BY PERMITTING A REDUCED MINIMUM LOT AREA; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9940.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a special exception to allow them to replat into two lots in order to build a house on each lot without rezoning. The area is presently zoned AE which requires a two-acre minimum for residential. This item has been routed to all departments for their review. Because this is a significant deviation and there is no hardship, staff recommends denial. One letter of objection was received. He clarified that this property cannot be rezoned because everything around it is AE.

Mayor Morales opened the public hearing at 10:56 a.m.

Yoyo Ketter, 1101 Todd, reported she has heard rumors that this will be a trailer park or a SWD facility. She is fine if the reason is to build a home and then a barn that has a kitchen, but she would like a guarantee that that is all it will be.

Elizabeth Estrada, 900 Chukar, reported they are building a barndominium on one lot for one of her sons and a home on the second lot for her other son. They were told they cannot do two kitchens in this zoning on the same lot. Mayor Morales confirmed her understanding that if two homes are built each will require their own septic tank. She indicated she understood.

Josh Young, 1301 Chukar, stated he didn't care if all they wanted to do was build another house. He is more concerned about any use that would increase traffic. He shared pictures of other businesses that are being run from other homes. He wanted a guarantee that it would not be a business. City Attorney John Ohnemiller stated that you cannot operate a business out of a home. Council asked staff to look into his complaint.

Tonya Brandon, 904 Chukar Lane, reported she has lived there for 20 years. She spoke about the applicant's property which is directly behind her own stating their caretaker has had 100 chickens, parked heavy equipment right by her bedroom window, had dogs tied to trees and an undernourished horse. Nearby is a business with 18-wheelers and the Police Department says there is nothing that can be done.

Mayor Morales invited the applicant back up and asked about their caretaker. Ms. Estrada reported they ran off the caretaker about five years ago. They are living back in Midland and now have a need to use this property. Mayor Morales asked her to be a good neighbor.

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

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9940 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Morales, Dufford, Robnett. NAY: Trost, Love, Lacy. ABSTAIN: None. ABSENT: None.

33. Hold a public hearing and consider a resolution on a request by Lisa J. Grissom for approval of a Temporary Land Use for a music festival on a 0.70-acre portion of S. Loraine Street right-of-way generally located at the intersection of South Loraine Street and West Missouri Avenue. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 182

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

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for a temporary land use permit for the annual Tall City Blues Fest. They will have three venues: the main stage will be outdoors, and two venues located inside the DoubleTree. General admission parking will be on the super block. They will have the sale and consumption of alcohol and adequate restrooms and security guards. They will close a portion of Loraine and South Missouri to reopen no later than Sunday at 6:00 a.m. The item was reviewed by all departments. This is an item that will go through the Administrative process next year. Staff recommends approval subject to conditions A-K. One letter of objection was received.

Mayor Morales opened the public hearing at 11:15 a.m.

Lisa Grissom reported they normally have the streets open by 1:00 or 2:00 a.m. on Sunday but they need time to clean up everything else. The letter of objection is from Mr. Kimble and they have already worked out something with him to ensure he has access to his one-way parking garage.

There being no one else wishing to speak, the public hearing was closed at 11:16 a.m.

Council Member Lacy moved to adopt Resolution No. 2019 - 182 with an amendment to change the hours for everything to be torn down by 2:00 p.m. on Sunday; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

34. Hold a public hearing to receive input regarding the 2019/2020 Community Development Action Plan prior to CDBG application submission to the Department of Housing and Urban Development. (DEVELOPMENT SERVICES)

Community Development Manager Isaac Garnett reported it is that time again to seek input from the community. They expect to receive \$915,000.00 from the grant and will have \$100,000.00 from program income.

Mayor Morales opened the public hearing at 11:19 a.m.

Tonya Eckert, Executive Director of Case De Amigos, thanked Council for their on-going support. They are celebrating 25 years of cleaning homes for the elderly in the community who otherwise would not be able to live in their homes. Council Member Love noted that the program was started by Ms. Dora Richardson.

Tracy Renton, Senior Life Midland, thanked Council for their continued support noting many seniors would not have access to food at the SE Senior Center. She talked about some of the programs offered there. It was noted that they always need drivers for Meals on Wheels.

David Diaz, 208 S. Marienfeld, thanked Council for their support noting this year they are celebrating their 150th house built. The City has helped acquire land and infrastructure for 150 houses and two apartment complexes which represented \$45 million value added to the community.

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

35. Hold a public hearing and consider a resolution on a request by Midland Children's Rehab Center for approval of a Temporary Land Use for a fundraiser event generally located at the southwest of the intersection of West Illinois Avenue and North Marienfeld Street. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 183

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FUNDRAISING EVENT ON BLOCK 32, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST ILLINOIS AVENUE AND NORTH MARIENFELD 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 Midland Children's Rehab Center has requested a temporary land use permit for a fundraising event. They are proposing to hold this on top of the Fasken parking garage on Saturday June 22 from 6:30 p.m. to 11:00 p.m. They will have live music,

dancing and food. All sound will be directed toward the south. This item was reviewed by all departments. Staff recommends approval subject to conditions A-I. No letters of objection have been received.

Mayor Morales opened the public hearing at 11:26 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2019 - 183; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

MISCELLANEOUS

36. Approved a motion making appointments to various boards and commissions.

Council Member Hotchkiss moved to reappoint Larry Edgerton to another term at Permian Basin Community Centers; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

Council Member Hotchkiss introduced Chris Barnhill from Permian Basin Community Centers. Mr. Barnhill reported he took the place of the former CEO Ramona Thomas and has been with the organization since 1995.

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.)

David Diaz invited Council to attend a seminar at Midland College South Campus to learn about getting end-of-year housing tax credits.

Gary Kennedy, 906 Chaparral, reported he works for a non-profit and was just made Commander of the American Legion. He would like to work on issues with veterans. He noted he sees a lot of homeless and would like to see something dealing with them in the community. Council Member Love suggested he work with Paul Borowski who is also working with the homeless.

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, Deliberation Regarding 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.

b. Section 551.071, Consultation with Attorney

- b.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.

Mayor Morales recessed the meeting to go to executive session at 11:33 a.m.

All the business at hand having been completed, the meeting adjourned at 12:28 p.m.

PASSED AND APPROVED the 25th day of June 2019.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary