

**MIDLAND CITY COUNCIL  
MINUTES  
April 09, 2019**

**BRIEFING SESSION**

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:30 a.m. on April 09, 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 Scott Dufford (District 1), and Council Member Sharla Hotchkiss (District 3).

Council Members absent: Council Member Michael Trost (At-Large), and Council Member J.Ross Lacy (District 4).

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Robert Patrick, Assistant City Manager Morris Williams, Assistant to the City Manager Marcia Bentley-German, City Secretary Amy Turner, Administrative Services Director Mark Widmann, Finance Director Pam Simecka, Development Services Director Charles Harrington, Engineering Services Director Jose Ortiz, General Services Director Fred Reyes, Chief Information Officer Willie Resto, Community Services Director Tina Jauz, Parks & Recreation Manager Laurie Williams, and Traffic Engineer Mike Pacelli.

Mayor Morales called the meeting to order at 9:30 a.m.

1. Receive a project update from representatives of the Midland Downtown Park Conservancy.

Scott Kidwell provided an update on Centennial Park. He introduced Midland Downtown Park Conservancy board members present noting it is a great project. He thanked the leadership for their vision for this private/public partnership. The conservancy has been formed and they will run and oversee the park. The board has been established and has signed a construction contract with Lee Lewis and fund-raising efforts are well on their way. The board is also working with the Chamber to put somebody in place to manage the day-to-day activities of the park. When this park opens it will be great for generations to come.

Jim Rhotenberry of Rhotenberry Wellen Architects reported the construction contract has been signed with Lee Lewis who will manage the construction and is also the construction manager of the Bush Convention Center. They had their first pre-construction meeting last week with the contractor and all sub-contractors and the building permit has been issued. Of the four traffic signals surrounding the park, three will need a change of equipment or location. There are two other projects occurring in the neighborhood that will impact what they do. In the next two weeks, a lot of demolition will occur including all existing sidewalks, curb, gutter and remnants of the old Centennial Plaza. This means the fence around the perimeter will have to move outside of the curb for the contractors to do their work. They are sensitive to the need for parking downtown and will continue to work to minimize that as much as possible. Construction will take about one year. There will be some blockages on Wall Street, but staff will be notified in advance. Another sensitive item is tree removal.

There will be about ½ dozen trees that will be saved, but some of the other trees are diseased or planted in a way that does not allow them to be transplanted. Over 100 new trees will be planted over the next year.

He reviewed the construction schedule milestones including demolition, tree protection, underground utility installation, water feature vaults construction and underground cistern installation. Building foundations will begin in July and building construction of stages will begin in August or September. Landscaping will go in next February and March and the park will open in April of 2020. He reported on construction costs noting no cuts have been made to the design which includes a splash pad, stage, restrooms, shade structures, and a dog park. One key feature is the media mesh screen that sits adjacent to the stage. The funding for that screen was transferred to the Bush Convention Center project and the price remains the same even though structure and aspect ratio was changed. The screen will be 20 feet tall, 26 feet long and 15 feet off the ground. The stage cover is fixed and there is a portable stage that stores next to the stage making the stage cover a big umbrella. There will be parking along Wall and Texas for food trucks.

Council Member Hotchkiss thanked Mr. Rhotenberry for the extreme design enhancements that were done that will conserve and utilize water on the property. It is a lot more work, but the net result is healthier trees and less water usage from City water.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:46 a.m.

## **REGULAR SESSION**

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., April 09, 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 Scott Dufford (District 1), and Council Member Sharla Hotchkiss (District 3).

Council Members absent: Council Member Michael Trost (At-Large), 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.

The Agenda Items were heard in the following order: 1-13, 15-22, 14, 23-44.

Mayor Morales called the meeting to order at 10:00 a.m.

## **OPENING ITEMS**

1. Invocation - Pastor 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. Council Member Love presented a proclamation for Public Safety Telecommunications Personnel.
  - b. Council Member Hotchkiss presented a proclamation for Senior Corps National Service Recognition Day.
  - c. Mayor Morales presented a proclamation for Fair Housing Month.

Mayor Morales invited everyone to Dennis the Menace Park ribbon cutting and playground opening on May 2, 2019 at 10:30 a.m.

## CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 14; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Trost, Lacy.

4. Approved a motion approving the following minutes:
  - a. Regular meeting of March 26, 2019
5. Approved a resolution awarding a sole source contract for Utility Data Management System to Smart Works, a division of N. Harris Computer Corporation for the Customer Service Department. (PURCHASING)

### RESOLUTION NO. 2019 - 109

RESOLUTION APPROVING THE SOLE SOURCE PURCHASE OF UTILITY DATA MANAGEMENT SYSTEM SOFTWARE FOR THE CUSTOMER SERVICE DIVISION FROM SMARTWORKS, A DIVISION OF N. HARRIS COMPUTER CORPORATION OF OTTAWA, ONTARIO, CANADA; AUTHORIZING THE EXECUTION OF AN AGREEMENT THEREFOR; APPROPRIATING FUNDS IN THE AMOUNT OF \$421,369.00; AND AUTHORIZING PAYMENT THEREFOR

6. Approved a resolution entering into an agreement for five (5) years for FX Security Software Update Management Services with Dailey and Wells Communications, Inc. on a sole source basis for the Communication and Information Systems Department. (PURCHASING)

### RESOLUTION NO. 2019 - 110

RESOLUTION AWARDING A SOLE-SOURCE CONTRACT FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT WITH DAILEY AND WELLS COMMUNICATIONS, INC., FOR FX SECURITY SOFTWARE UPDATE MANAGEMENT SERVICES FOR FIVE YEARS AT A TOTAL COST OF \$810,547.75; AND AUTHORIZING PAYMENT THEREFOR

7. Approved a resolution approving the purchase of a 2020 MC1510-3S3X Combination Sewer Jet/Vacuum Unit from Lonestar Freightliner Group LLC through Buyboard contract 521-16 for a total cost of \$408,903.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2019 - 111

RESOLUTION APPROVING THE PURCHASE OF A 2020 MC1510-3S3X COMBINATION SEWER JET/VACUUM UNIT FROM LONESTAR FREIGHTLINER GROUP LLC THROUGH BUYBOARD AT A TOTAL COST OF \$408,903.00

8. Approved a resolution awarding an agreement for the Industrial Pretreatment Program for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 112

RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR THE DEVELOPMENT, IMPLEMENTATION AND SUPPORT OF THE INDUSTRIAL PRETREATMENT PROGRAM TO FREESE AND NICHOLS, INC., OF LUBBOCK, TEXAS FOR A TOTAL COST OF \$1,152,654.00; AND APPROPRIATING FUNDS THEREFOR

9. Approved a resolution awarding a professional services agreement for the 2019 Permitting Assistance Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 113

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., TO PROVIDE CONSULTING AND ENGINEERING SERVICES FOR THE 2019 PERMITTING ASSISTANCE PROJECT FOR THE UTILITIES DEPARTMENT AT AN AMOUNT NOT TO EXCEED \$59,780.00; AND APPROVING \$14,950.00 FOR CONTINGENCIES

10. Approved a resolution approving change order two (2) to the current Water, Wastewater, & Fire Hydrant Taps Expanded Program 04 project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 114

RESOLUTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER TO THE CONTRACT WITH RED DEER CONSTRUCTION, LLC REGARDING THE WATER, WASTEWATER, & FIRE HYDRANT TAPS EXPANDED PROGRAM 04 PROJECT; SAID CHANGE ORDER TO PROVIDE FOR ADDITIONAL WORK BASED ON THE UNIT PRICES IN THE CONTRACT; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$175,000.00

11. Approved a resolution authorizing a professional services agreement with Parkhill, Smith & Cooper, Inc. for Texas Commission on Environmental Compliance (TCEQ) Landfill Testing services. (PURCHASING)

RESOLUTION NO. 2019 - 115

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., PROVIDING FOR TEXAS COMMISSION ON ENVIRONMENTAL COMPLIANCE LANDFILL TESTING SERVICES FOR THE SOLID WASTE DEPARTMENT FOR A TOTAL COST OF \$156,900.00

12. Approved a resolution authorizing the employment of the law firm of Lloyd Gosselink Rochelle & Townsend, P.C. to represent the City in all matters arising from claims made by Weatherford International Ltd. (CITY ATTORNEY'S OFFICE)

ORDINANCE NO. 2019 - 116

RESOLUTION AUTHORIZING THE EMPLOYMENT OF THE LAW FIRM OF LLOYD GOSSELINK ROCHELLE & TOWNSEND, P.C. TO REPRESENT THE CITY OF MIDLAND IN ALL MATTERS ARISING FROM CLAIMS MADE BY WEATHERFORD INTERNATIONAL LTD.

13. Approved a resolution authorizing the City of Midland to continue its membership with the Steering Committee of Cities Served by Oncor (the "Steering Committee"), and authorizing the payment of eight cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 117

RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO CONTINUE ITS MEMBERSHIP WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR (THE "STEERING COMMITTEE"); AND AUTHORIZING THE PAYMENT OF EIGHT CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC

15. Approved a resolution amending the current use agreement between the City of Midland and the Sibley Environmental Learning Center Foundation, Incorporated. (COMMUNITY SERVICES)

RESOLUTION NO. 2019 - 119

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THAT CERTAIN SIBLEY NATURE CENTER USE AGREEMENT WITH SIBLEY ENVIRONMENTAL LEARNING CENTER FOUNDATION, INCORPORATED.

16. Approved a resolution approving the transfer of the Oil and Gas Well Permits and Road Repair Agreement issued to Vanguard Natural Resources, LLC. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 120

RESOLUTION APPROVING THE TRANSFER OF FOUR OIL AND GAS WELL PERMITS FROM VANGUARD NATURAL RESOURCES, LLC ("OPERATOR") TO SMC OIL & GAS, INC. ("TRANSFeree"); AND APPROVING THE TRANSFER OF THE ROAD REPAIR AGREEMENT REGARDING SAID OIL AND GAS WELL PERMITS FROM OPERATOR TO TRANSFeree; SAID OIL AND GAS WELLS BEING LOCATED IN SECTION 6, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF HOLIDAY HILL ROAD, SOUTH OF MOCKINGBIRD LANE)

17. Approved a resolution authorizing funds from COs to be placed in the Wadley Avenue Extension Project. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 121

RESOLUTION APPROPRIATING THE SUM OF \$250,000.00 FROM THE 2019 CO FUND (158) UNAPPROPRIATED FUND BALANCE (35650) TO THE WADLEY AVENUE EXTENSION PHASE 1 DESIGN PROJECT (900301-158)

18. Approved a resolution appropriating \$87,500 from the General Fund unappropriated fund balance to the Avalon Signals Project (900296). (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 122

RESOLUTION APPROPRIATING THE SUM OF \$87,500.00 FROM THE GENERAL FUND UNAPPROPRIATED FUND BALANCE TO THE AVALON SIGNALS PROJECT (900296)

19. Approved a resolution accepting funds from the 2019 Texas "J" Regional Advisory Council Grant. (FIRE)

RESOLUTION NO. 2019 - 123

RESOLUTION ACCEPTING A GRANT AWARD FROM THE TEXAS "J" REGIONAL ADVISORY COUNCIL IN THE AMOUNT OF \$13,182.00, FOR FUNDS TO BE USED BY THE MIDLAND FIRE DEPARTMENT FOR TRAINING, EQUIPMENT AND SUPPLIES

20. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Centurion Pipeline L.P. (UTILITIES)

RESOLUTION NO. 2019 - 124

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND CENTURION PIPELINE L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 44, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

21. Approved a resolution authorizing and executing an amendment to Right-of-Way License Number 2018-426 between the City of Midland and Salt Creek Midstream LLC. (UTILITIES)

RESOLUTION NO. 2019 - 125

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND SALT CREEK MIDSTREAM LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 17, 22, 23, 24 AND 25, BLOCK C-23, SECTIONS 1 AND 2, BLOCK C-24, PUBLIC SCHOOL LAND SURVEY, WINKLER COUNTY, TEXAS

22. Approved a resolution authorizing and executing an amendment to Right-of-Way License Number 2018-425 between the City of Midland and Salt Creek Midstream LLC. (UTILITIES)

RESOLUTION NO. 2019 - 126

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND SALT CREEK MIDSTREAM LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 13, 18, 21, 22, 25 AND 26, BLOCK C-23, SECTION 3, BLOCK C-24, PUBLIC SCHOOL LAND SURVEY, WINKLER COUNTY, TEXAS

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

14. Consider a resolution supporting the designation of an extension of Interstate 27 as a future interstate in Texas. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 118  
RESOLUTION SUPPORTING THE DESIGNATION OF AN EXTENSION OF  
INTERSTATE 27 AS A FUTURE INTERSTATE IN TEXAS

Council Member Love invited James Beauchamp forward to give more information on the topic.

James Beauchamp reported the resolution supports the extension of I-27 but felt it should specifically say the extension of the I-27 to the Midland Odessa area. He provided background to how interstates can be designated. The Texas Transportation Commission has been clear that they will not designate or support a multi-route designation. He felt that the designation all the way to Laredo would mean the segment would go through Big Spring instead of the Midland Odessa area. He suggested that instead Midland support the designation of I-27 from Lubbock to Midland which would cost less and would be more likely to be designated.

City Attorney John Ohnemiller clarified that the current resolution mirrors what was adopted by the MDC and it would be prudent to have the MDC go back to make their support clearer prior to Council taking action.

## **SECOND READINGS**

23. Consider an ordinance on second reading on a request by Katherine Wolbert dba Hand Café, LLC, 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 north side of Briarwood Avenue, approximately 138 feet east of Mathis Street. (DEVELOPMENT SERVICES) (First reading held March 26, 2019)

ORDINANCE NO. 9896  
AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 1,300-SQUARE FOOT PORTION OF LOT 4A, BLOCK 16, GREATHOUSE ADDITION, SECTION 12, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 138 FEET EAST OF MATHIS STREET), WHICH IS PRESENTLY ZONED LR-1, 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. 9896.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9896 in accordance with the Charter of the City of Midland; seconded by Council

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

24. Consider an ordinance on second reading on a request by FP-Westridge Energy Plaza, GP, LLC, for a Special Exception from the City of Midland Zoning Ordinance, Section 11-1-6 Zoning District Classification; use and development regulations concerning height regulations generally located on the southwest corner of the intersection of Champions Drive and North Loop 250 West. (DEVELOPMENT SERVICES) (First reading held March 26, 2019)

ORDINANCE NO. 9897

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3, BLOCK 6, WESTRIDGE PARK, SECTION 31, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF CHAMPIONS DRIVE AND NORTH LOOP 250 WEST), BY ALLOWING A BUILDING THAT EXCEEDS SEVEN STANDARD STORIES IN HEIGHT TO BE LOCATED ON SAID PROPERTY IN THE PRESENT O-2, OFFICE DISTRICT; 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. 9897.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9897 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Trost, Lacy.

25. Consider an ordinance on second reading on a request by Vineyard Reserve, LLC, for the initial zoning of a 126.126-acre tract generally located approximately 2,630 feet east of the intersection of Mockingbird Lane and Holiday Hill Road. (DEVELOPMENT SERVICES) (First reading held March 26, 2019)

ORDINANCE NO. 9898

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 77.433-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS A 1F-1, ONE-FAMILY DWELLING DISTRICT; AND ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 48.722-ACRE TRACT OF LAND AND A 13.537-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS A 1F-2, ONE-FAMILY DWELLING DISTRICT; SAID TRACTS BEING GENERALLY LOCATED APPROXIMATELY 2,630 FEET WEST OF THE INTERSECTION OF MOCKINGBIRD LANE AND HOLIDAY HILL ROAD; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9898.



Council Member Robnett moved to approve the second and final reading of Ordinance No. 9898 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Trost, Lacy.

26. Consider an ordinance on second reading on a request for annexation of a 17.55-acre tract of land generally located at the southwest corner of the intersection of Tradewinds Boulevard and Thomason Drive. (DEVELOPMENT SERVICES) (First reading held March 26, 2019)

ORDINANCE NO. 9899

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 17.55-ACRE TRACT OF LAND OUT OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST 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. 9899.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9899 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Trost, Lacy.

27. Consider an ordinance on second reading on a request by Stonehawk Capital Partners, LLC for a Zone Change from a PD, Planned District for a Housing Development to an Amended PD, Planned District for a Housing Development generally located on the north side of Briarwood Avenue, approximately 737 feet east of Avalon Drive. (DEVELOPMENT SERVICES) (First reading held March 26, 2019)

ORDINANCE NO. 9900

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 4, BLOCK 1, SCP MIDLAND WEST, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 737 FEET EAST OF AVALON 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9900.

Council Member Love moved to approve the second and final reading of Ordinance No. 9900 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Trost, Lacy.

28. Consider an ordinance on second reading on a request by Stonehawk Capital Partners, LLC. for a Zone Change from a PD, Planned District for a Housing Development to an Amended PD, Planned District for a Housing Development on a 12.3959-acre tract of land generally located on the east side of North Edwards Street, approximately 156 feet north of Fiesta Avenue. (DEVELOPMENT SERVICES) (First reading held March 26, 2019)

ORDINANCE NO. 9901

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 12.3959-ACRE TRACT OF LAND OUT OF CORPORATE PLAZA, SECTION 13, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH EDWARDS STREET, APPROXIMATELY 156 FEET NORTH OF FIESTA AVENUE); 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. 9901.

Council Member Love moved to defer this item; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Trost, Lacy

29. Consider an ordinance on second reading on a request by Kendra Hanfeld for a Special Exception from the City of Midland Code of Ordinances, Section 11-1-7 concerning parking requirements generally located on the south side of West Texas Avenue between North N Street and North M Street. (DEVELOPMENT SERVICES) (First reading held March 26, 2019)

ORDINANCE NO. 9902

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 1 THROUGH 6, BLOCK 77, AND A PREVIOUSLY-VACATED 0.10-ACRE PORTION OF WEST TEXAS AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO SAID LOTS, ALL OUT OF WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST TEXAS AVENUE BETWEEN NORTH M STREET AND NORTH N STREET), BY PERMITTING A REDUCED NUMBER OF OFF-STREET PARKING SPACES; 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. 9902.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9902 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Trost, Lacy.

30. Consider an ordinance on second reading on a request for a Specific Use Permit without Term for rock quarries, sand, gravel and caliche excavations on an 11.44-acre tract of land generally located on the north side of East Cynthia Drive, approximately 1,800 feet east of North Fairgrounds Road. (DEVELOPMENT SERVICES) (First reading held March 26, 2019)

ORDINANCE NO. 9903

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS AN 11.44-ACRE TRACT OF LAND OUT OF SECTION, 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF EAST CYNTHIA DRIVE, APPROXIMATELY 1,800 FEET EAST OF NORTH FAIRGROUNDS ROAD), WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR ROCK QUARRIES AND SAND, GRAVEL AND CALICHE EXCAVATIONS; 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. 9903.

Council Member Love moved to approve the second and final reading of Ordinance No. 9903 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Trost, Lacy.

31. Consider an ordinance on second reading on a request by Renew Life Church for a vacation of the 0.138-acre portion of alley right-of-way, generally located on the south side of West Kentucky Avenue approximately 190 feet east of South Pecos Street. (DEVELOPMENT SERVICES) (First reading held March 26, 2019)

ORDINANCE NO. 9904

AN ORDINANCE VACATING AND ABANDONING A 0.138-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 110, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST KENTUCKY AVENUE, APPROXIMATELY 190 FEET EAST OF SOUTH PECOS STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$12,000.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9904.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9904 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Trost, Lacy.

32. Consider an ordinance on second reading on a request by Renew Life Church for a Zone Change from PD, Planned District for a Housing Development to C-3, Commercial District generally located on the southeast corner of the intersection of South Pecos

Street and West Kentucky Avenue. (DEVELOPMENT SERVICES) (First reading held March 26, 2019)

ORDINANCE NO. 9905

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING BLOCK 110, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS A C-3, COMMERCIAL DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH PECOS STREET AND WEST KENTUCKY AVENUE); 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. 9905.

Council Member Love moved to approve the second and final reading of Ordinance No. 9905 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Trost, Lacy.

33. Consider an ordinance on second reading on a request by Outback Steakhouse of Texas, LLC, for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, generally located on the north side of West Loop 250 North, approximately 300 feet west of Garfield Street. (DEVELOPMENT SERVICES) (First reading held March 26, 2019)

ORDINANCE NO. 9906

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 3, BLOCK 28, PLANTATION HILLS, SECTION 15, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 300 FEET WEST OF GARFIELD STREET), 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. 9906.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9906 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Trost, Lacy.

34. Consider an ordinance on second reading on a request by Sonny Aguilar dba Toast, 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 north side of West Wall Street, approximately, 115 feet east of North Big Spring Street. (DEVELOPMENT SERVICES) (First reading held March 26, 2019)

ORDINANCE NO. 9907

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4,200-SQUARE FOOT PORTION OF LOT 13 AND EAST HALF OF LOT 14, BLOCK 56, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WALL STREET, APPROXIMATELY 115 FEET EAST OF NORTH BIG SPRING STREET), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A 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. 9907.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9907 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Trost, Lacy.

35. Consider an ordinance on second reading on a request by Ravi C. Borra for Site Plan Approval generally located on the north side of Northbrook Lane, approximately 265 feet northwest of West Loop 250 North Frontage Road. (DEVELOPMENT SERVICES) (First reading held March 26, 2019)

ORDINANCE NO. 9908

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 3, BLOCK 35, NORTHGATE ADDITION, SECTION 19, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF NORTHBROOK LANE, APPROXIMATELY 265 FEET NORTHWEST OF WEST LOOP 250 NORTH FRONTAGE ROAD); 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. 9908.

Council Member Love moved to approve the second and final reading of Ordinance No. 9908 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Trost, Lacy.

36. Consider an ordinance on second reading calling a joint public hearing by the City Council and Planning and Zoning Commission to consider the adoption of an ordinance amending Title XI, "Planning and Development", Chapter 1, "Zoning" of the City Code of

Midland, Texas so as to change the heading of said Chapter 1 to "Zoning Ordinance and to revise and amend the Rules, Regulations and Zoning Map contained in or associated therewith and similar provisions related to Land Use and Development; prescribing the type of notice to be given of the time and place of the joint public hearing. (DEVELOPMENT SERVICES) (First reading held March 26, 2019)

ORDINANCE NO. 9909

AN ORDINANCE CALLING A PUBLIC HEARING TO BE HELD JOINTLY BY THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION TO CONSIDER THE ADOPTION OF AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", CHAPTER 1, "ZONING" OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO CHANGE THE HEADING OF SAID CHAPTER 1 TO "ZONING ORDINANCE" AND TO REVISE AND AMEND THE RULES, REGULATIONS AND ZONING MAP CONTAINED IN OR ASSOCIATED THEREWITH AND SIMILAR PROVISIONS RELATED TO LAND USE AND DEVELOPMENT; PRESCRIBING THE TYPE OF NOTICE TO BE GIVEN OF THE TIME AND PLACE OF THE JOINT PUBLIC HEARING; AND CONTAINING A SAVINGS AND SEVERABILITY CLAUSE

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9909.

Council Member Love moved to approve the second and final reading of Ordinance No. 9909 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Trost, Lacy.

**PUBLIC HEARINGS**

37. Hold a public hearing and consider an ordinance on a request by Crystalyn Wright for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar generally located on the east side of North Main Street, approximately 65 feet south of East Illinois Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9910

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS THE SOUTH HALF OF LOT 12, BLOCK 38, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MAIN STREET, APPROXIMATELY 65 FEET SOUTH OF EAST ILLINOIS AVENUE), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9910.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant would like to amend their specific use permit for Buffalo Nickel located at 216 N. Main Street. Their hours of operation are Monday through Thursday

from 3:00 p.m. to 11:00 p.m., Saturday from 3:00 p.m. to 12:00 a.m. and Sunday from 12:00 p.m. to 9:00 p.m. They would like to amend their hours to Monday through Saturday from 3:00 p.m. to 12:00 a.m. and Sunday from 12:00 p.m. to 12:00 a.m. Staff has reviewed the application, it meets requirements and is in compliance with the comprehensive plan. Staff recommends approval. No letters of objection have been received. Council Member Love asked about the 300-foot requirement. Mr. Harrington clarified that the measurement is from front door to front door.

Mayor Morales opened the public hearing at 10:35 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9910 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Trost, Lacy.

38. Hold a public hearing regarding the proposed granting of oil and gas well permits to Parsley Energy Operations, LLC, for the drilling of oil and gas wells, being Massey Unit A 2809H located 815 feet from the south line and 230 feet from the west line, Massey Unit A 4209H located 835 feet from the south line and 230 feet from the west line, and Massey Unit A 4309H located 855 feet from the south line and 230 feet from the west line Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said wells are generally located between 790 feet and 830 feet north of Loop 250 and 230 feet east of Lamesa Road.) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting there are three wells that will be located on the same pad site. One notice of objection has been received for each of the three wells. They will have a 24-foot sound wall and they are asking for two variances one for landscape and irrigation and the second for 24-hour fracing.

Council Member Hotchkiss asked about the variance for landscaping. Mr. Jenkins noted they would put in landscaping when developed but asked the applicant to expand.

Mayor Morales opened the public hearing at 10:38 a.m.

Chris Hamilton, Ft. Worth, reported that once they are past the fracing they will work with the developer and have a fence that will match the development. They will have a 24-foot sound wall until the production phase. The tank and frac pit are located outside of the City limits.

There being no one else wishing to speak, the public hearing was closed at 10:39 a.m.

39. Hold a public hearing and consider an ordinance on a request by Tradewinds and Thomason Apartments, LLC, for the initial zoning of a 17.55-acre tract of land generally located at the southwest corner of the intersection of Tradewinds Boulevard and Thomason Drive. (DEVELOPMENT SERVICES)

#### ORDINANCE NO. 9911

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 17.55-ACRE TRACT OF LAND OUT OF SECTION 48,

BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN MF-2, MULTIPLE-FAMILY DWELLING DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9911.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for the initial zoning of a 9.75-acre tract to be zoned MF-2 to locate a multi-family development. This item was circulated to all departments with no objections. It is in compliance with the comprehensive plan. Staff recommends approval. No letters of objection have been received.

Council Member Love asked how many apartment complexes are currently permitted or under construction. Mr. Harrington reported He believes there are about six complexes that have had their zoning changed, been permitted or under construction.

Mayor Morales opened the public hearing at 10:41 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. 9911 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Trost, Lacy.

40. Hold a public hearing and consider an ordinance request by Coraima Garibay 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 southwest corner of the intersection of East California Avenue and South Terrell Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9912

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 172, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST CALIFORNIA AVENUE AND SOUTH TERRELL STREET), WHICH IS PRESENTLY ZONED LR-3, 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. 9912.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a request to add the sale of alcoholic beverages with the hours of alcoholic



service Tuesday through Saturday from 10:00 a.m. to 10:00 p.m. and Sunday from 12:00 p.m. to 10:00 p.m. The item has been reviewed by all departments with no comments. It is in compliance with the comprehensive plan, meets all requirements and staff recommends approval.

Mayor Morales opened the public hearing at 10:43 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. 9912 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Trost, Lacy.

## MISCELLANEOUS

41. Consider an ordinance establishing a temporary regulatory construction speed limit on Midkiff Road, from West Gist Avenue to the southern corporate limits of the City, for the duration of a roadway improvement project by the Texas Department of Transportation and authorizing installation of appropriate signs and markings. (ENGINEERING SERVICES)

### ORDINANCE NO. 9913

AN ORDINANCE ESTABLISHING A TEMPORARY REGULATORY CONSTRUCTION SPEED LIMIT ON MIDKIFF ROAD, FROM WEST GIST AVENUE TO THE SOUTHERN CORPORATE LIMITS OF THE CITY, FOR THE DURATION OF A ROADWAY IMPROVEMENT PROJECT BY THE TEXAS DEPARTMENT OF TRANSPORTATION; AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00), EXCEPT THAT THE MAXIMUM PENALTY OR FINE SHALL BE FOUR HUNDRED DOLLARS (\$400.00) IF AN OFFENSE OCCURS IN A CONSTRUCTION OR MAINTENANCE WORK ZONE WHEN WORKERS ARE PRESENT; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9913.

Traffic Engineer Mike Pacelli gave a brief overview of the item noting this is a traffic ordinance for a work zone. The Texas Department of Transportation is starting construction on I-20 and Midkiff sometime in 2020. Staff recommends approval.

Council Member Love explained that this is the first of several we will see next year because the plan for I-20 requires the interstate to go over the exit roads instead of under due to the number of trucks hitting the bridges.

Council Member Love moved approval of the first of two readings of Ordinance No. 9913 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Trost, Lacy.

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

ORDINANCE NO. 9914

AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE DESIGNATED LOCATIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9914.

Traffic Engineer Mike Pacelli gave a brief overview of the item noting this item is for stop signs and the next item is for yield signs. This is the last round of conversions. There are 121 yield-to-stop conversions and 70 new locations primarily in new subdivisions. He explained there were about 500 yield signs converted to stop signs mainly for site distance concerns.

Council Member Love moved approval of the first of two readings of Ordinance No. 9914 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Trost, Lacy.

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

ORDINANCE NO. 9915

AN ORDINANCE ESTABLISHING YIELD RIGHT-OF-WAY SIGNS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; REQUIRING AND AUTHORIZING THE POSTING OF APPROPRIATE SIGNS AT SAID INTERSECTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9915.

Traffic Engineer Mike Pacelli reported this is the corresponding yield sign ordinance.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9915 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Trost, Lacy.

**PUBLIC COMMENT**

44. 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.)

Leah Williams, 3112 Chelsea Place, reported she was representing Safe to Save, a driving initiative rewarding drivers for not texting behind the wheel. They are proposing an 8-week competition with Midland and Odessa with any resident able to join the competition. The title sponsor is Subaru of Midland who has offered \$8,000 in prize money. There will be a random drawing each of the eight weeks during the competition and one driver will receive a \$1,000 prize each week. She asked Council to help get the word out through the press and social media to have a successful competition. She clarified that Safe to Save is an app that can be downloaded to any phone and the driver will earn points when not using their device while driving. Points earned can be redeemed at local businesses around town. Mayor Morales asked her to get with the Public Information Office to help get this competition publicized.

All the business at hand having been completed, the meeting adjourned at 10:55 a.m.

PASSED AND APPROVED the 23rd day of April 2019.

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Jerry F. Morales, Mayor

ATTEST:

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Amy M. Turner, City Secretary