

**MIDLAND CITY COUNCIL
MINUTES
October 08, 2019**

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., October 08, 2019.

Council Members present: Mayor Jerry F. Morales, 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).

Council Members absent: Mayor Pro Tem John B. Love III (District 2).

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: 1-5, 7-9, 11-12, 16-19, 6, 10, 13-15, 20-43, 45, 44. (Executive Session was not held.)

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

OPENING ITEMS

1. Invocation - Minister Ryan Chivington, Golf Course Road Church of Christ
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 Texas Size Garage Sale Days.
 - b. Council Member Trost presented a proclamation for National Cyber Security Awareness Month.
 - c. Eleventh District Court of Appeals Justice Keith Stretcher thanked Council for allowing the Eleventh Court of Appeals to sit in Midland's Council Chambers on Wednesday and Thursday. Forty percent of their cases are from the Midland and Odessa area he felt they needed to sit here. Most of the complicated cases come from this area and are related to oil and gas. He is very happy to have cooperation from the Council.
 - d. Mayor Morales and the City Council recognized Judge Sharon Hatten noting she is retiring and thanked her for her 27 years on the bench.

- e. Mayor Morales and the City Council recognized and thanked Community Services Director Tina Jauz for her recent article in the newspaper about breast cancer and for encouraging others to get their annual mammogram. They thanked her for sharing her beautiful story and presented her with flowers.

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 4 - 19 excluding 6, 10, 13, 14, 15; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

- 4. Approved a motion approving the following minutes:
 - a. Regular meeting of September 24, 2019
 - b. Special meeting of September 26, 2019 at 4:30 p.m.
 - c. Special meeting of September 26, 2019 at 5:00 p.m.
- 5. Approved a resolution nominating Bob McNaughton for the Midland Central Appraisal District Board of Directors. (FINANCE)

RESOLUTION NO. 2019 - 306

RESOLUTION NOMINATING ROBERT MCNAUGHTON FOR THE MIDLAND CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS; AND DIRECTING THE CITY MANAGER TO DELIVER A COPY OF THIS RESOLUTION TO THE MIDLAND CENTRAL APPRAISAL DISTRICT

- 7. Approved a resolution approving the award of Wadley-Hogan Elevated Storage Tank Improvements for the not to exceed amount of \$1,207,425.00 to the sole bidder Garney Companies, Inc. for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 308

RESOLUTION AWARDING A CONTRACT FOR THE HOGAN-WADLEY ELEVATED STORAGE TANK IMPROVEMENT PROJECT TO THE SOLE BIDDER, GARNEY COMPANIES, INC., FOR AN AMOUNT NOT TO EXCEED \$1,207,425.00; AND APPROPRIATING FUNDS FOR SAID PROJECT

- 8. Approved a resolution approving the issuance of a request for proposals for a Citywide Access Control System for the Communications and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2019 - 309

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR A CITYWIDE ACCESS CONTROL SYSTEM FOR THE COMMUNICATIONS AND INFORMATION SYSTEMS DEPARTMENT

- 9. Approved a resolution approving the purchase of a replacement recording solution for the Communications Dispatch Center from VistaCom in the amount of \$180,460.00 via HGACBuy (Houston-Galveston Area Council) Contract RP07-17 for the Communications and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2019 - 310

RESOLUTION APPROVING THE PURCHASE OF A REPLACEMENT EVENTIDE RECORDING SOLUTION FROM DIGITALMARKETS, INC., D/B/A VISTA COM, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$180,460.00

11. Approved a resolution approving the purchase of one (1) Caterpillar 836K Wheel Dozer (trash compactor) from Warren Power & Machinery, Inc. dba Warren Cat through Buyboard Contract 515-16 for a cost of \$1,076,580.00 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 312

RESOLUTION APPROVING THE PURCHASE OF A CATERPILLAR 836K WHEEL DOZER AT A TOTAL COST OF \$1,076,580.00 THROUGH BUYBOARD

12. Approved a resolution approving the purchase of one (1) F550 Aerial Versalift Truck from Grande Truck Center through Buyboard Contract 521-16 for a cost of \$138,375.00 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 313

RESOLUTION APPROVING THE PURCHASE OF AN F-550 AERIAL VERSALIFT TRUCK FROM GRANDE TRUCK CENTER AT A TOTAL COST OF \$138,375.00 THROUGH BUYBOARD

16. Approved a resolution approving the issuance of permit to Permian Deep Rock Oil Co., LLC, for the drilling of oil and gas well, being Charger #H160UH. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 317

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 110 FEET FROM THE SOUTH LINE AND 525 FEET FROM THE WEST LINE, SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 587 FEET EAST OF SOUTH GARFIELD STREET AND 323 FEET NORTH OF WEST COUNTY ROAD 111) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 168 FEET OF AN OCCUPIED RESIDENCE OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

17. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Lucid Energy Delaware LLC. (UTILITIES)

RESOLUTION NO. 2019 - 318

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND LUCID ENERGY DELAWARE, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 21, 22 AND 23, BLOCK C23, PUBLIC SCHOOL LAND SURVEY, WINKLER COUNTY, TEXAS

18. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Navitas Midstream Midland Basin LLC. (UTILITIES)

RESOLUTION NO. 2019 - 319

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND NAVITAS MIDSTREAM MIDLAND BASIN, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 21, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

19. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Baker Hughes, a GE Company. (UTILITIES)

RESOLUTION NO. 2019 - 320

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND BAKER HUGHES OILFIELD OPERATIONS LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 7, BLOCK 39, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

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

6. Consider a resolution authorizing the issuance of a request for proposals for an affordable housing property development for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 307

RESOLUTION AUTHORIZING THE ADVERTISEMENT OF A REQUEST FOR PROPOSALS FROM NONPROFIT ORGANIZATIONS FOR THE DEVELOPMENT OF CITY-OWNED PROPERTY DESCRIBED AS AN 11.72 ACRE TRACT LOCATED IN SECTION THIRTEEN (13), BLOCK THIRTY-NINE (39), TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, AS AUTHORIZED BY CHAPTER 253 OF THE TEXAS LOCAL GOVERNMENT CODE

Council Member Lacy asked for clarification and asked that we not tie ourselves to a dollar amount to contribute. Assistant City Manager Robert Patrick noted it is a request for the building of affordable housing and there are utilities in close proximity. Discussion ensued about including for profits. City John Ohnemiller reported all documents were tailored to non-profits and would have to be changed.

Council Member Robnett moved to adopt Resolution No. 2019 - 307; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

10. Consider a resolution authorizing the execution of a contract with Senior Life of Midland for consulting and management services and to conduct the operation of the Midland Senior Center and Midland Southeast Senior Center for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 311

RESOLUTION AUTHORIZING THE EXECUTION OF A MANAGEMENT SERVICES CONTRACT WITH THE SOLE PROPOSER, SENIOR LIFE OF MIDLAND FOR CONSULTING AND MANAGEMENT SOLUTIONS REGARDING SENIOR SERVICES FOR THE HEALTH DEPARTMENT

Council Member Robnett asked for clarification. Community Services Director Tina Jauz reported that after receiving the proposal from Senior Life of Midland they had

discussions with them regarding facility maintenance and programming. The seniors are asking for more programming and they would like to hire additional staff to put those programs in place.

Council Member Lacy moved to adopt Resolution No. 2019 - 311; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

13. Consider a resolution awarding the project described as New Terminal Vehicle Parking Lots at MAF to Onyx General Construction, LLC. (AIRPORTS)

RESOLUTION NO. 2019 - 314

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH ONYX GENERAL CONSTRUCTION, LLC, IN THE AMOUNT OF \$7,646,971.00 FOR THE VEHICLE PARKING IMPROVEMENTS PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS FOR SAID PROJECT

Council Member Lacy asked for an update noting this project will not cost the taxpayers one cent because it is paid for by people who use the airport. Airports Director Justine Ruff reported that they will convert the overflow parking, the grassy area, into parking lots one at a time immediately following Christmas. They are not doing a parking garage at this time because it cost \$25 million and because we would lose current parking spots. The proposal also includes resurfacing all current lots and replacing traffic arms.

Council Member Lacy moved to adopt Resolution No. 2019 - 314; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

14. Consider a resolution allocating \$450,000.00 of Hotel/Motel Occupancy Tax funds to Museum of the Southwest as a matching grant for Fredda Turner Durham Children's Museum for arts programming, marketing activities and arts related equipment. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2019 - 315

RESOLUTION AUTHORIZING THE EXECUTION OF A PROMOTIONAL SERVICES CONTRACT WITH THE MUSEUM OF THE SOUTHWEST; SAID CONTRACT SHALL PROVIDE FOR THE PROMOTION OF THE TOURISM AND THE CONVENTION AND HOTEL INDUSTRY IN THE CITY OF MIDLAND BY USING THE FREDDA TURNER CHILDREN'S MUSEUM FOR THE PURPOSE OF SPONSORING, ADVERTISING, AND PROMOTING ARTISTIC AND CULTURAL ACTIVITIES AND OFFERING ARTS-RELATED PROGRAMS THAT ALSO PROMOTE TOURISM AND LOCAL HOTEL AND CONVENTION ACTIVITIES, AS DESCRIBED IN TEXAS TAX CODE § 351.101(A)(4); AND APPROPRIATING FUNDS THEREFORE.

Council Member Lacy asked why this applicant did not present their request during the normal hotel/motel grant request period. City Secretary Amy Turner reported that Museum of the Southwest received a matching grant of \$1 million dollars for their project and in order to receive that grant they need to have all their funds in hand by December.

Dan Eck, Executive Director, Museum of the Southwest reported if this request were granted it would get them very close to receiving full funding for the matching grant.

Council asked Mr. Eck to keep them updated on their matching grant funds.

Discussion ensued about helping them get to their final goal and suggested using MDC funds if necessary.

Council Member Robnett moved to adopt Resolution No. 2019 - 315; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

15. Consider a resolution approving the issuance of permit to COG Operating LLC, for the drilling of oil and gas well, being Mask HZ Unit No 1007AH generally located 2,627 feet west of North A Street and 215 feet north of Green Tree Boulevard Extension. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 316

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO COG OPERATING LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 230 FEET FROM THE NORTH LINE AND 2,627 FEET FROM THE EAST LINE, SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,627 FEET WEST OF NORTH A STREET AND 215 FEET NORTH OF GREEN TREE BOULEVARD EXTENSION); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

Council Member Lacy moved to adopt Resolution No. 2019 - 316; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Trost, Hotchkiss, Morales, Dufford, Lacy. NAY: None. ABSTAIN: Robnett. ABSENT: Love.

SECOND READINGS

20. Consider an ordinance on a second reading on a request by JC Chavez Construction, for a zone change from RR, Regional Retail District, to SF-3, Single Family Dwelling District, generally located on the west side of North Mineola Street, approximately 144 feet south of East Tennessee Avenue. (DEVELOPMENT SERVICES) (First reading held on September 24, 2019)

ORDINANCE NO. 9980

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE SOUTH 50 FEET OF LOT 1, BLOCK 14, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MINEOLA STREET, APPROXIMATELY 144 FEET SOUTH OF EAST TENNESSEE 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. 9980.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9980 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, Morales, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love, Dufford.

21. Consider an ordinance on a second reading on a request by JC Chavez Construction, for a zone change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, generally located on the northwest corner of the intersection of South Tyler Street and East California Avenue. (DEVELOPMENT SERVICES) (First reading held on September 24, 2019)

ORDINANCE NO. 9981

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 14, BLOCK 59, PARK AVENUE HEIGHTS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH TYLER STREET AND EAST CALIFORNIA 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. 9981.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9981 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, Morales, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love, Dufford.

22. Consider an ordinance on a second reading on a request by Carrasco Homes LLC., for a zone change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, generally located on the southeast corner of the intersection of Mississippi Avenue and North Weatherford Street. (DEVELOPMENT SERVICES) (First reading held on September 24, 2019)

ORDINANCE NO. 9982

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1 AND 2, BLOCK 7, HOMESTEAD ADDITION, SECTION 12, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MISSISSIPPI AVENUE AND NORTH WEATHERFORD STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9982.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9982 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

23. Consider an ordinance on a second reading on a request by Carrasco Homes LLC., for a zone change from LI, Light Industrial District, in part, and MH, Manufactured Housing District, in part, to SF-3, Single Family Dwelling District, generally located on the east side of South Dallas Street, approximately 141 feet south of East Washington Avenue. (DEVELOPMENT SERVICES) (First reading held on September 24, 2019)

ORDINANCE NO. 9983

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 16, BLOCK 121, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT, IN PART, AND MH, MANUFACTURED HOUSING DISTRICT, IN PART, TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH DALLAS STREET, APPROXIMATELY 141 FEET SOUTH OF EAST WASHINGTON 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. 9983.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9983 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

24. Consider an ordinance on a second reading on a request by Vicente Carrasco, for a zone change from RR, Regional Retail District, to SF-3, Single Family Dwelling District, generally located on the northwest corner of the intersection of South Weatherford Street and East Pennsylvania Avenue. (DEVELOPMENT SERVICES) (First reading held on September 24, 2019)

ORDINANCE NO. 9984

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE EAST 50 FEET OF LOTS 19 THROUGH 24, BLOCK 145, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH WEATHERFORD STREET AND EAST PENNSYLVANIA 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. 9984.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9984 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

25. Consider an ordinance on a second reading on a request by Robert Martinez for a zone change from a MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling

District generally located on the northeast corner of the intersection of South Clay Street and Washington Avenue and on the east side of South Clay Street, approximately 160 feet north of Washington Avenue. (DEVELOPMENT SERVICES) (First reading held on September 24, 2019)

ORDINANCE NO. 9985

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 7, 10, AND 11, BLOCK 13, GREENWOOD ADDITION, THIRD, FOURTH AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH CLAY STREET AND WASHINGTON AVENUE AND ON THE EAST SIDE OF SOUTH CLAY STREET, APPROXIMATELY 160 FEET NORTH OF WASHINGTON 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. 9985.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9985 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

26. Consider an ordinance on a second reading on a request by Robert Martinez for a zone change from a C, Commercial District to SF-3, Single-Family Dwelling District generally located on the southeast corner of the intersection of East Washington Avenue and South Stonewall Street. (DEVELOPMENT SERVICES) (First reading held on September 24, 2019)

ORDINANCE NO. 9986

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 12, BLOCK 26, GREENWOOD ADDITION, THIRD, FOURTH AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF EAST WASHINGTON AVENUE AND SOUTH STONEWALL STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9986.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9986 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

27. Consider an ordinance on a second reading on a request by Cruz Marquez for a zone change from a MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District generally located on the west side of North Carver Street, approximately 111 feet north of Texas Avenue. (DEVELOPMENT SERVICES) (First reading held on September 24, 2019)

ORDINANCE NO. 9987

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 4, BLOCK 21, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH CARVER STREET, APPROXIMATELY 111 FEET NORTH OF EAST TEXAS 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. 9987.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9987 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

28. Consider an ordinance on a second reading on a request by Louis Clay for a zone change from a C, Commercial District to SF-3, Single-Family Dwelling District generally located on the east side of South Stonewall Street, approximately 61 feet south of East Washington Avenue. (DEVELOPMENT SERVICES) (First reading held on September 24, 2019)

ORDINANCE NO. 9988

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 11, BLOCK 26, GREENWOOD ADDITION, THIRD, FOURTH AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH STONEWALL STREET, APPROXIMATELY 61 FEET SOUTH OF EAST WASHINGTON 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. 9988.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9988 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

29. Consider an ordinance on second reading on a request by Charles Nelson for a zone change from MF-16, Multiple Family-Dwelling District to an SF-3, Single Family-Dwelling District generally located on the west side of North Carrizo Street, approximately 318 feet south of West Nobles Avenue. (DEVELOPMENT SERVICES) (First reading held on September 24, 2019)

ORDINANCE NO. 9989

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 10, BLOCK 6, CRESTLAWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-16, MULTIPLE-FAMILY DWELLING

DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH CARRIZO STREET, APPROXIMATELY 318 FEET SOUTH OF WEST NOBLES 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. 9989.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9989 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

30. Consider an ordinance on second reading establishing intersection stops at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations. (ENGINEERING SERVICES) (First reading held on September 24, 2019)

ORDINANCE NO. 9990

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. 9990.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9990 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

PUBLIC HEARINGS

31. Hold a public hearing and consider an ordinance on a request by COG, Realty, LLC. for a vacation of the 0.20 acre portion of right-of-way, generally located at the southeast corner of the intersection of North A Street and West Ohio Avenue. (DEVELOPEMENT SERVICES)

ORDINANCE NO. 9991

AN ORDINANCE VACATING AND ABANDONING A 0.20-ACRE PORTION OF RIGHT-OF-WAY LOCATED ADJACENT TO BLOCK 50, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH A STREET AND WEST OHIO AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$17,424.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9991.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for the vacation of right-of-way for the future development of their campus. The value is \$17,424.00 and an accessible utility easement needs to be retained until all utilities are moved or abandoned. Staff recommends approval subject to conditions A-C. No letters of objection have been received.

Mayor Morales opened the public hearing at 10:48 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9991 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, Morales, Dufford, Lacy. NAY: None. ABSTAIN: Robnett. ABSENT: Love.

32. Hold a public hearing and consider an ordinance on a request by COG, Realty, LLC. for a vacation of the 0.15 acre portion of alley right-of-way, generally located on the south side of West Ohio Avenue, approximately 218 feet east of North A Street, and on the west side of Carrizo Street, approximately 179 feet north of West Illinois Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9992

AN ORDINANCE VACATING AND ABANDONING A 0.15-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 50, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST OHIO AVENUE AND THE WEST SIDE OF CARRIZO STREET, APPROXIMATELY 218 FEET EAST OF NORTH A STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$13,068.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary read the caption of Ordinance No. 9992.

Development Services Director Chuck Harrington gave a brief overview of the item noting the value of the property is \$13,068.00. It will be used for the future expansion of their campus. It has been reviewed by all utilities and City departments. Staff recommends approval subject to conditions A-C. No letters of objection have been received.

Mayor Morales opened the public hearing at 10:50 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9992 in accordance with the Charter of the City of Midland; seconded by Council Member Trost. The motion carried by the following vote: AYE: Trost, Hotchkiss, Morales, Dufford, Lacy. NAY: None. ABSTAIN: Robnett. ABSENT: Love.

33. Hold a public hearing regarding the proposed granting of oil and gas well permits to Fasken Oil and Ranch, Ltd, for the drilling of oil and gas wells, being Manor Park No. 7H generally located 1,484 feet east of North Loop 250 West and between 125 feet and 140 feet north of Network Drive extension. This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting it is an application for a permit in an area where six other wells are located. Fasken will be

doing everything like the previous wells, there will be a sound wall and they will use quiet frac. No complaints have been received on their other wells.

Mayor Morales opened the public hearing at 10:52 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

34. Hold a public hearing regarding the proposed granting of an oil and gas well permit to Fasken Oil and Ranch, Ltd, for the drilling of an oil and gas well, being Manor Park No. 9H generally located 453 feet south of Andrews Highway and 272 feet east of North Loop 250 West. This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting this will be another pad site to the north of where they drilled previously. The sound walls are already there, and they have requested a variance for a commercial structure similar to their request in the past.

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

35. Hold a public hearing and consider an ordinance on a request for annexation of a 9.784-acre tract of land generally located on the south side of West Industrial Avenue, approximately 454 feet east of South Midland Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9993

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 9.784-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST INDUSTRIAL AVENUE, APPROXIMATELY 454 FEET EAST OF SOUTH MIDLAND DRIVE); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9993.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant would like to avail themselves of utilities. In order to do so they must annex. This is considered a voluntary annexation. Staff recommends approval.

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

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9993 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, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Love, Robnett.

36. Hold a public hearing and consider an ordinance on a request by Alejandro Quezada for a Specific Use Designation with term, for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, generally located on the north side of West Longview Avenue, approximately 290 feet east of Belmont Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9994

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,400 SQUARE FOOT PORTION OF LOT 2B, BLOCK 52, BELMONT ADDITION, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LONGVIEW AVENUE, APPROXIMATELY 290 FEET EAST OF BELMONT STREET), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION 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. 9994.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is requesting a SUD for the sale of alcoholic beverages in a restaurant with services hours of Monday through Friday from 7:00 a.m. to 10:00 p.m., Saturday from 8:00 a.m. to 10:00 p.m. and Sunday from 12:00 p.m. to 10:00 p.m. There are no churches or schools within 300 feet. Planning and Zoning recommends approval. The item meets all requirements and staff recommends approval. No letters of objection have been received.

Mayor Morales opened the public hearing at 10:56 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9994 in accordance with the Charter of the City of Midland with the amendment to change to the alcohol services hours to Monday through Saturday from 10:00 a.m. to 10:00 p.m. and Sunday from 12:00 p.m. to 10:00 p.m.; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

37. Hold a public hearing and consider an ordinance on a request by Robert Horton for approval of a Special Exception from the City of Midland's Zoning Ordinance, concerning rear yard setback generally located on the southeast corner of the intersection of North 'L' Street and Humble Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9995

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3 AND THE NORTH 40 FEET OF LOT 2, BLOCK 8, WARWICK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH L STREET AND HUMBLE AVENUE), BY PERMITTING A REDUCED MINIMUM REAR YARD SETBACK FOR A TWO-STORY STRUCTURE; 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. 9995.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a special exception to the rear yard setback for the property 1908 North L Street. It is single family zoning. The applicant wishes to construct an addition with a five-foot setback. He explained the applicant also owns the property on the other side of the alley so there are no other adjoining neighbors. Because this situation is unique staff recommends approval. No letters of objection have been received. Council Member Hotchkiss confirmed she is good with this item.

Mayor Morales opened the public hearing at 10:59 a.m.

John Hillman, applicant, reported he did not need to speak if there were no objections.

There being no one else presenting wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9995 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

38. Hold a public hearing and consider an ordinance on a request by Merced Rico for a zone change from a C, Commercial District to SF-3, Single-Family Dwelling District generally located on the southeast corner of the intersection of South Atlanta Street and East California Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9996

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 10, 11 AND 12, BLOCK 167, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH ATLANTA STREET AND EAST CALIFORNIA 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. 9996.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is similar to the previous requests for cumulative zoning. The applicant is proposing to build on 801, 803 and 805 South Atlanta Street. Staff reviewed the request and found it in line. It has been reviewed by all departments and staff recommends approval. No letters of objection have been received.

Mayor Morales opened the public hearing at 11:01 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9996 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

39. Hold a public hearing and consider an ordinance on a request by Jose Chavez for a zone change from a RR, Regional Retail District to SF-3, Single-Family Dwelling District generally located on the east side of North Lee Street, approximately 100 feet north of East Wall Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9997

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 9, BLOCK 26, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH LEE STREET, APPROXIMATELY 100 FEET NORTH OF EAST WALL STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9997.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is for the same reasons as previously stated to build homes on the property. Staff recommends approval.

Mayor Morales opened the public hearing at 11:02 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. 9997 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

40. Hold a public hearing and consider an ordinance on a request by Jose Chavez for a zone change from a LI, Light Industrial District to SF-3, Single-Family Dwelling District generally located on the southwest corner of the intersection of South Street and North Madison Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9998

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 3, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SOUTH STREET AND NORTH MADISON STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9998.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for property to be built at 511 North Madison. It is currently vacant. Staff recommends approval.

Mayor Morales opened the public hearing at 11:04 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Trost moved approval of the first of two readings of Ordinance No. 9998 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

41. Hold a public hearing and consider an ordinance on a request by Jose Chavez for a zone change from a C, Commercial District to SF-3, Single-Family Dwelling District generally located on the east side of South Fort Worth Street, approximately 75 feet north of East Washington Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9999

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 18, BLOCK 132, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH FORTH WORTH STREET, APPROXIMATELY 75 FEET NORTH OF EAST WASHINGTON 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. 9999.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is similar to the previous case noting this lot width does not meet the standards for square footage. However, any property that was platted prior to the new zoning ordinance regulations can still be developed. Staff recommends approval. No letters of objection have been received.

Mayor Morales opened the public hearing at 11:06 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9999 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

42. Hold a public hearing and consider an ordinance a request by Carlos Martin Guillen Flores for a Specific Use Designation with term, for the sale of beer and wine, for on-premises consumption, in a restaurant, generally located on the southeast corner of the intersection of South Baird Street and East Florida Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10000

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR THE NORTH HALF OF LOT 11 AND ALL OF LOT 12, BLOCK 187, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE

SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH BAIRD STREET AND EAST FLORIDA AVENUE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF BEER AND WINE IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION 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. 10000

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a Specific Use Designation to sell beer and wine in a restaurant located at 200 East Florida with alcohol service hours of Monday through Saturday from 8:00 a.m. to 12:00 p.m. and Sunday from 12:00 p.m. to 12:00 a.m. There are no churches or schools within 300 feet. It meets all requirements and staff recommends approval. It was approved by Planning & Zoning on September 3rd. No letters of objection have been received.

Mayor Morales opened the public hearing at 11:08 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 10000 in accordance with the Charter of the City of Midland with an amendment to alcohol services hours to Monday through Saturday from 10:00 a.m. to 12:00 a.m. and Sunday from 12:00 p.m. to 12:00 a.m.; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

MISCELLANEOUS

43. Consider a resolution appointing Timothy Meek as the interim presiding judge of the City of Midland Municipal Court. (ADMINISTRATIVE SERVICES)

RESOLUTION NO. 2019 - 321

RESOLUTION APPOINTING TIMOTHY MEEK AS THE INTERIM PRESIDING JUDGE OF THE CITY OF MIDLAND MUNICIPAL COURT

City Attorney John Ohnemiller reported that Council could wait to consider this item following executive session, if needed.

Council Member Robnett moved to adopt Resolution No. 2019 - 321; seconded by Council Member Trost. The motion carried by the following vote: AYE: Trost, Hotchkiss, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

PUBLIC COMMENT

45. 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.)

Ernest Modkins, 509 South Stonewall, reported that the church next to his home plays loud bass music 7 days a week. He is disabled and would just like to be able to rest in his own house. He asked for Council's help. Mayor Morales reported he would see what could be done.

Terrie Reed, 5509 La Jolla, reported that the City Code is unclear about mobile food vendors parking in residential areas and asked for Council to establish new ordinances that would prohibit them from parking in residential areas.

Isaac Garnett, 509 South White, reported he would reach out to the church mentioned by Mr. Modkins to see what he could do to help. He also expressed gratitude on behalf of the community for the number of clearances that have been granted for development on the south side of Midland noting it is exciting to see what is going on there.

EXECUTIVE SESSION

46. 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 551.074, Personnel Matters
 - a.1. Deliberate the appointment, employment, evaluation, and duties of the Interim Presiding Judge of the City of Midland Municipal Court.

Executive Session was not held.

Mayor Morales recessed the meeting at 11:23 a.m. noting they would reconvene downstairs in the basement conference room.

Mayor Morales reconvened the meeting at 11:36 a.m. with the following members present: Hotchkiss, Morales, Dufford, Lacy, and Robnett.

REGULAR SESSION (Continued)

44. Recess and reconvene in the basement conference room immediately following Executive Session to consider a motion making appointments to various boards and commissions.

A motion was made by Council Member Lacy to appoint Gina Lewis to replace Sharla Hotchkiss on the Spaceport Development Corporation; seconded by Council Member Robnett. The motion carried by the following vote: AYES: Hotchkiss, Morales, Dufford, Lacy, Robnett. NAYS: None. ABSTAIN: None. ABSENT: Trost, Love.

A motion was made by Council Member Robnett to appoint Scott Bowden to replace Lance Friday and Ross Klabon to fill the vacancy on the Oil and Gas Advisory Board; to reappoint Brandon Bradley and Sylvester Cantu to the Midland Housing Authority

Commission; to reappoint Stephanie Martin and Connie Ferguson and appoint Francis Schammel to replace Cynthia Savage and Laura Smith to replace Court Adkins on the Parks & Recreation Commission; and to reappoint Karmen Bryant, Chase Gardaphe and Kevin Wilton to the Planning & Zoning Commission; seconded by Council Member Dufford. The motion carried by the following vote: AYES: Hotchkiss, Morales, Dufford, Lacy, Robnett. NAYS: None. ABSTAIN: None. ABSENT: Trost, Love.

All the business at hand having been completed, the meeting adjourned at 12:00 p.m.

PASSED AND APPROVED the 22nd day of October 2019.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary