

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

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on January 08, 2019.

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

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Police Chief Seth Herman, Fire Chief Chuck Blumenauer, Utilities Director Laura Wilson, Administrative Services Director Mark Widmann, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Services Director Jose Ortiz, Director of Airports Justine Ruff, General Services Director Fred Reyes, Chief Information Officer Willie Resto, Solid Waste Director Jeffery Ahrlett, Planning Division Manager Cristina Odenborg, Building Official Steve Thorpe, and Public Information Officer Elana Ladd.

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

REGULAR SESSION

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

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

Council Members absent: None.

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

The Agenda Items were heard in the following order:

Mayor Morales called the meeting to order at __ a.m.

OPENING ITEMS

cto 10:01 a.m.

1. Invocation - Monsignor Larry Droll - St. Ann's Parish
2. Pledge of Allegiance

PRESENTATIONS

b. Management Awards presented Dufford \$1000 Joey Jolly and Hugo Rodriguez P&R software reserve online.; internal organization and efficiency Ester Gomez Elizabeth Sanchez \$500 each employee travel card; Tony Castanada External Service and Delivery \$500 spanish communication for public outreach \$500

C. 2018 Christmas Parade Float Winner Joey Jolly and Mayor Morales best lighted band san jacinto ; girl scouts of Midland best lighted float 3rd place; best lighted float 2nd la roca teh rock church; best lighted float 1st MMH Lab; best theme midland college veterans association

Mayor recognized Keith Stretcher appointed by gov assoc justice of 11th Court of appeal. just announced last night been appointed by Governor.5000 Chappel Hill appointed by Gov ave 11th court of appeals submit resignation from MDC. Mayor reluctantly accept. Keith appreciate Mayor and Council appointing to MDC really enjoyed made a difference is because wasted no effort. City Council and MDC on same page no friction able to work together. Focused on roads education and health care. Had recent bridge develop loop, half of Council Member Lacy district and in health care recruit physicians 81% retention rate and utpb engineering and midland college, tx Tech project. Long history of MDC board members done excellent job. thanked and looked forward to being on court.

Love also recognized MRs Stretcher who none could take place without her help. Council all thanked. what lose on MDC the state of texas court gains because of experience and knowledge big deal for oil and gas community to have on court glad willing to serve and glad appointed.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of Proclamation for National School Choice Week.
 - b. Presentation of the 2018 Management Awards.
 - c. Recognition of the 2018 Christmas Parade Float Winners

CONSENT AGENDA

4. Approved a motion approving the following minutes:

Council Member Robnett moved to approve Consent Agenda items 4 - 18 excluding 4c; seconded by Council Member Lacy.

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

- a. Special City Council Meeting of December 3, 2018

Council Member Robnett moved to approve Consent Agenda items 4 - 18 excluding 4c; seconded by Council Member Lacy.

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

- b. Regular City Council Meeting of December 11, 2018

Council Member Robnett moved to approve Consent Agenda items 4 - 18 excluding 4c; seconded by Council Member Lacy.

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

- c. Special City Council Meeting of December 11, 2018

Council Member Lacy moved to approve the minutes of the Special City Council Meeting of December 11, 2018; seconded by Council Member Robnett.

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

- d. Special City Council Meeting of December 18, 2018

Council Member Robnett moved to approve Consent Agenda items 4 - 18 excluding 4c; seconded by Council Member Lacy.

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

5. Approved a resolution authorizing the Water, Sewer and Sanitation write offs for 2018. (FINANCE)

RESOLUTION NO. 2019 - 001

RESOLUTION AUTHORIZING THE CITY TREASURER TO WRITE OFF AS UNCOLLECTIBLE CERTAIN DELINQUENT ACCOUNTS FOR WATER, SEWER, AND SANITATION SERVICES

Council Member Robnett moved to approve Consent Agenda items 4 - 18 excluding 4c; seconded by Council Member Lacy.

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

6. Approved a resolution authorizing the write-off of weedy lot receivable. (FINANCE)

RESOLUTION NO. 2019 - 002

RESOLUTION AUTHORIZING THE CITY TREASURER TO WRITE OFF AS UNCOLLECTIBLE CERTAIN DELINQUENT ACCOUNTS FOR WEEDY LOT ACCOUNTS RECEIVABLE

Council Member Robnett moved to approve Consent Agenda items 4 - 18 excluding 4c; seconded by Council Member Lacy.

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

7. Approved a resolution approving and authorizing publication of notice of intent to issue Certificates of Obligation. (FINANCE)

RESOLUTION NO. 2019 - 003

A RESOLUTION APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE SERIES 2019 CERTIFICATES OF OBLIGATION IN AN AMOUNT NOT TO EXCEED TWENTY-FIVE MILLION AND NO/100 DOLLARS (\$25,000,000.00)

Council Member Robnett moved to approve Consent Agenda items 4 - 18 excluding 4c; seconded by Council Member Lacy.

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

8. Approved a resolution rejecting all proposals received and authorizing the re-issuance of a request for proposals for the Fiber Connectivity Project for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2019 - 004

RESOLUTION REJECTING ALL PROPOSALS AND AUTHORIZING THE RE-ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE FIBER CONNECTIVITY PROJECT

Council Member Robnett moved to approve Consent Agenda items 4 - 18 excluding 4c; seconded by Council Member Lacy.

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

9. Approved a resolution awarding a contract for the Micro-surfacing and Slurry Seal Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2019 - 005

RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2019 MICRO-SURFACING AND/OR SLURRY SEAL PROJECT TO INTERMOUNTAIN SLURRY SEAL, INC. OF NORTH SALT LAKE, UTAH, AT A TOTAL COST OF \$2,442,751.05; AND AUTHORIZING PAYMENT THEREFOR

Council Member Robnett moved to approve Consent Agenda items 4 - 18 excluding 4c; seconded by Council Member Lacy.

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

10. Approved a resolution approving the purchase of thirty-three (33) DSR 2X Radar units with Fast Lock Remote and accessories from Applied Concepts, Inc. of Richardson, Texas through the Houston-Galveston Area Council (H-GAC) for a cost of \$96,112.50 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2019 - 006

RESOLUTION APPROVING THE PURCHASE OF THIRTY-THREE (33) DSR 2X RADAR UNITS WITH FAST LOCK REMOTE AND ACCESSORIES FROM APPLIED CONCEPTS, INC., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$96,112.50

Council Member Robnett moved to approve Consent Agenda items 4 - 18 excluding 4c; seconded by Council Member Lacy.

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

11. Approved a resolution awarding a contract for Pump and Motor Maintenance for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 007

RESOLUTION AWARDING A CONTRACT FOR PUMP AND MOTOR MAINTENANCE TO EVANS ENTERPRISES, INC., IN THE ANNUAL AMOUNT OF \$1,226,000.00

Council Member Robnett moved to approve Consent Agenda items 4 - 18 excluding 4c; seconded by Council Member Lacy.

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

12. Approved a resolution awarding a contract to the sole bidder for the Midway Lift Station and Force Main Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 008

RESOLUTION AWARDING A CONTRACT FOR THE MIDWAY LIFT STATION AND FORCE MAIN PROJECT TO TEC EXCAVATION, INC., AT A TOTAL COST OF \$1,709,093.75

Council Member Robnett moved to approve Consent Agenda items 4 - 18 excluding 4c; seconded by Council Member Lacy.

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

13. Approved a resolution approving the purchase of two hundred five (205) Getac Laptops and accessories for the Police and Fire Department for the Public Safety Software Project from SHI Government Solutions, Inc. through the Texas Department of Information Resources (DIR) contract DIR-TSO-4075 for a cost of \$836,015.00 for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2019 - 009

RESOLUTION APPROVING THE PURCHASE OF TWO HUNDRED FIVE (205) GETAC LAPTOPS AND ACCESSORIES FOR THE POLICE AND FIRE DEPARTMENTS FROM SHI GOVERNMENT SOLUTIONS, INC., THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$836,015.00 FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT

Council Member Robnett moved to approve Consent Agenda items 4 - 18 excluding 4c; seconded by Council Member Lacy.

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

14. Approved a resolution approving the sale of city-owned property described as Lot One-A (1A), Block Forty-One (41), Original Town Addition, an Addition to the City of Midland, Midland, County, Texas for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 010

RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH AUSBILT, LLC, REGARDING THE CONVEYANCE OF CITY-OWNED REAL PROPERTY DESCRIBED AS LOT ONE-A (1A), BLOCK FORTY-ONE (41), OLD TOWN ADDITION, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

Council Member Robnett moved to approve Consent Agenda items 4 - 18 excluding 4c; seconded by Council Member Lacy.

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

15. Consider a Resolution appropriating funds from the Midland Development Corporation's 2017-2018 fiscal year budget to be used for promotional purposes, as authorized by Chapter 504 of the Texas Local Government Code (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 011

RESOLUTION APPROVING THE MIDLAND DEVELOPMENT CORPORATION'S APPROPRIATION OF \$1,409,006.95 FROM THE FISCAL YEAR 2017-2018 BUDGET TO BE USED FOR PROMOTIONAL PURPOSES, AS AUTHORIZED BY CHAPTER

504 OF THE TEXAS LOCAL GOVERNMENT CODE

Council Member Robnett moved to approve Consent Agenda items 4 - 18 excluding 4c; seconded by Council Member Lacy.

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

16. Approved a resolution amending the Economic Development Agreement by and between Reinvestment Zone No. 1, City of Midland, Texas (TIRZ), and Permian Basin Public Telecommunications, Incorporated, DBA Basin PBS (Ritz Theater) by funding an additional economic incentive payment of \$225,000 (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 012

RESOLUTION AUTHORIZING AN ADDITIONAL ECONOMIC INCENTIVE PAYMENT OF \$225,000.00 TO PERMIAN BASIN PUBLIC TELECOMMUNICATIONS, INCORPORATED, DOING BUSINESS AS BASIN PBS ("PBS") UNDER THE ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 AND PBS AND APPROVED BY THE CITY OF MIDLAND; SAID ADDITIONAL ECONOMIC INCENTIVE PAYMENT BEING SUBJECT TO CERTAIN CONDITIONS BEING SATISFIED NO LATER THAN JANUARY 31, 2020

Council Member Robnett moved to approve Consent Agenda items 4 - 18 excluding 4c; seconded by Council Member Lacy.

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

17. Approved a motion proposed Preliminary Plat of The Vineyard Addition, Section 13 being a 309.21-acre tract of land out the W/2 of Section 13, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, (generally located on the northeast corner of the intersection of Mockingbird Lane and Avalon Drive.) (Planning Admin)

Council Member Robnett moved to approve Consent Agenda items 4 - 18 excluding 4c; seconded by Council Member Lacy.

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

18. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Longwood Midstream Delaware, LLC, said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing an eight (8) inch gas pipeline located on City of Midland property, Sections 5,6,7 & 12 Block C-24, Loving County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 013

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND LONGWOOD MIDSTREAM DELAWARE, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 5, 6, 7

AND 12, BLOCK C-24, A-1023, PSL SURVEY, LOVING COUNTY, TEXAS

Council Member Robnett moved to approve Consent Agenda items 4 - 18 excluding 4c; seconded by Council Member Lacy.

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

SECOND READINGS

19. Consider an ordinance on second reading on a request by Caiti Kincaid dba Strategic Restaurant Concepts, LLC, for a Zone Change from a PD, Planned District for a Shopping Center, to an Amended PD, Planned District for a Shopping Center on Lot 7, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas, (generally located on the south side of West Loop 250 North, approximately 220-feet west of North Midkiff Road. (DEVELOPMENT SERVICES) (First reading held December 11, 2018.)

ORDINANCE NO. 9857

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

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9857.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9857 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

20. Consider an ordinance on second reading on a request by Tareq Hulali for a Special Exception to the City of Midland Zoning Code, Section 11-1-7 -Area, yard, structure, parking, and miscellaneous lot and use regulations concerning the side yard setback requirements on Lot 12, Block 1, Grandridge Estates Addition, City and County of Midland, Texas, (generally located on the northwest corner of the intersection of Blake Drive and Trennon Drive.) (DEVELOPMENT SERVICES) (First reading held December 11, 2018.)

ORDINANCE NO. 9858

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 12, BLOCK, 1, GRANDRIDGE ESTATES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION

OF BLAKE DRIVE AND TRENNON PLACE), BY PERMITTING A REDUCED SETBACK FOR THE SIDE YARD ADJACENT TO BLAKE 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); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9858.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9858 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

21. Consider an ordinance on second reading on a request by Younger Partners, Ltd., for a Zone Change from IP, Industrial Park District to LR-2, Local Retail District 1.03-acre tract of land located in Section 8, Block 40, T-2-S, T&P RR. Co. Survey, City and County of Midland, Texas, (generally located on the east side of South Farm-to-Market 1788 Road, approximately 2,410-feet north of State Highway 80.) (DEVELOPMENT SERVICES) (First reading held December 11, 2018.)

ORDINANCE NO. 9859

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.03-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED IP, INDUSTRIAL PARK DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH FARM-TO-MARKET ROAD 1788, APPROXIMATELY 2,410 FEET NORTH OF STATE HIGHWAY 80); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9859.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9859 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

22. Consider an ordinance on second reading on a request by Younger Partners, Ltd., for a Zone Change from FD, Future Development District to LR-2, Local Retail District and IP, Industrial Park District on a 14.18-acre tract of land located in Sections 7 and 8, Block 40, T-2-S, T&P. RR. Co Survey and a 15.81-acre tract of land located in Section 8, Block 40, T-2-S, T&P. RR. Co Survey, all out of the City and County of Midland, Texas, (generally located on the northeast corner of the intersection of Loop 40 and South Farm-to-Market Road 1788.) (DEVELOPMENT SERVICES) (First reading held

December 11, 2018.)

ORDINANCE NO. 9860

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 14.18-ACRE TRACT OF LAND OUT OF SECTIONS 7 AND 8, AND A 15.81-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT, IN PART, AND AS AN IP, INDUSTRIAL PARK DISTRICT, IN PART, (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF LOOP 40 AND SOUTH FARM-TO-MARKET ROAD 1788); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9860.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9860 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

23. Consider an ordinance on second reading on a request for annexation of a 123.28-acre tract located in Sections 37 and 48, Block 40, T-1-S, T&P RR Co Survey, Midland County, Texas, (generally located approximately 703-feet west of the intersection of Tradewinds Boulevard and Thomason Drive.) (DEVELOPMENT SERVICES) (First reading held December 11, 2018.)

ORDINANCE NO. 9861

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 123.28-ACRE TRACT OF LAND OUT OF SECTIONS 37 AND 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED APPROXIMATELY 703 FEET WEST OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE); APPROVING A PUBLIC SERVICE PLAN; ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9861.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9861 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

24. Consider an ordinance on second reading on a request for annexation of a 25.410-acre

tract located in Section 38, Block 40, T-1-S, T&P RR Co Survey, Midland County, Texas, (generally located approximately 896-feet south of State Highway 191 and 1,020-feet west of Avalon Drive.) (DEVELOPMENT SERVICES) (First reading held December 11, 2018.)

ORDINANCE NO. 9862

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 25.410-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED APPROXIMATELY 896 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 1,020 FEET WEST OF AVALON DRIVE); APPROVING A PUBLIC SERVICE PLAN; ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9862.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9862 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

25. Consider an ordinance second reading designating Lots 4 through 6, Block 34; and the 0.07-acre portion of alley right of way, the 0.16-acre portion of North Big Spring Street right-of-way, and the 0.16-acre portion of West Texas Avenue right-of-way, all adjacent to said lots; all out of Original Town Addition, City and County of Midland, Texas, as Tax Abatement Reinvestment Zone Number 2018-02, for commercial-industrial tax abatement as authorized by Chapter 312 of the Texas Tax Code; establishing the boundaries thereof and other matters relating thereto; declaring findings of fact; providing a savings and severability clause, and providing an effective date, (generally located at the northwest corner of the intersection of North Big Spring Street and West Texas Avenue.) (DEVELOPMENT SERVICES) (First reading held December 11, 2018.)

ORDINANCE NO. 9863

AN ORDINANCE OF THE CITY OF MIDLAND, TEXAS, DESIGNATING A 0.87-ACRE TRACT OF LAND OUT OF LOTS 4, 5 AND 6 AND THE RIGHTS-OF-WAY ADJACENT THERETO, BLOCK 34, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST TEXAS AVENUE), AS TAX ABATEMENT REINVESTMENT ZONE NUMBER 2018-02, FOR COMMERCIAL AND INDUSTRIAL TAX ABATEMENT, AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9863.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9863 in accordance with the Charter of the City of Midland; seconded by Council

Member Robnett.

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

26. Consider an ordinance on second reading designating Blocks 88 and 93; and the 0.56-acre portion of West Indiana Avenue right-of-way, the 0.31-acre portion of West Missouri Avenue right-of-way, the 0.82-acre portion of South Big Spring right-of-way, and the 0.62-acre portion of South Marienfeld Street right-of-way, all adjacent to said blocks; all out of Original Town Addition, City and County of Midland, Texas, as Tax Abatement Reinvestment Zone Number 2018-03, for commercial-industrial tax abatement as authorized by Chapter 312 of the Texas Tax Code; establishing the boundaries thereof and other matters relating thereto; declaring findings of fact; providing a savings and severability clause, and providing an effective date, (generally located at the southwest corner of the intersection of South Big Spring Street and West Missouri Avenue.) (DEVELOPMENT SERVICES) (First reading held December 11, 2018.)

ORDINANCE NO. 9864

AN ORDINANCE OF THE CITY OF MIDLAND, TEXAS, DESIGNATING A 6.11-ACRE TRACT OF LAND OUT OF BLOCKS 88 AND 93 AND THE RIGHTS-OF-WAY ADJACENT THERETO, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SOUTH BIG SPRING STREET AND WEST MISSOURI AVENUE), AS TAX ABATEMENT REINVESTMENT ZONE NUMBER 2018-03, FOR COMMERCIAL AND INDUSTRIAL TAX ABATEMENT, AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9864.

Council Member Love moved to approve the second and final reading of Ordinance No. 9864 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

27. Consider an ordinance on second reading amending fiscal year 2017-2018 budgets for certain funds. (FINANCE) (First reading held December 11, 2018.)

ORDINANCE NO. 9865

AN ORDINANCE MAKING CERTAIN AMENDMENTS TO THE 2017-2018 FISCAL YEAR BUDGET SO AS TO INCREASE AMOUNTS APPROPRIATED TO CERTAIN FUNDS

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9865.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9865 in accordance with the Charter of the City of Midland; seconded by Council

Member Hotchkiss.

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

PUBLIC HEARINGS

love oph 11:36 A.M. CPH

Mayor Pro Tem Love opened the public hearing at 11:36 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

28. Hold a public hearing and consider an ordinance on a request by John Peterson, Jaime Ramos, Brian Taylor and John Overton for a Vacation of the 0.71-acre portion of a public access easement, located adjacent to Block 2, Green Hill Terrace, City and County of Midland, Texas, (generally located approximately 153-feet south of Widener Strip, between Keenland Drive and Holiday Hill Road.) (Planning Admin)

ORDINANCE NO. 9866

AN ORDINANCE VACATING AND ABANDONING A 0.71-ACRE PORTION OF A PUBLIC ACCESS EASEMENT LOCATED ADJACENT TO LOTS 13, 17 AND 18, BLOCK 2, GREEN HILL TERRACE, AND LOT 14A, BLOCK 2, GREEN HILL TERRACE, SECTION 15, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 153 FEET SOUTH OF WIDENER STRIP, BETWEEN KEENLAND DRIVE AND HOLIDAY HILL ROAD); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$14,200.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9866.

Development Services Director Chuck Harrington gave a brief overview of the item noting vacate .71 acre easement of what was originally t__ to fence proeprty row vacated 36 years ago but easement obtained as public access. no longer utiliation for that purpose and would like to maintain a more aesthetic alley and fence in. been reviewed by all utilities oncor requesting keep 5 foot triangle away from any poles working with Oncor now. Received 5 loj 9% of prop. staff reviewed rec approval of vacaiton of easement.

Lacy owned by property owners haven't put fence on north side vacated did fence that portion. Morales one continuous looking fence it is applican'ts property.

Mayor Morales opened the public hearing at 10:31 a.m.

Brian Taylor, 2140 Tattenham corner, moved in about 3 years ago asked to clear dump zone in alley way including piles of construcion debris. diligently doing and continue to dump trash and he continues to clean up easier to move fence without altercations. tuilite shave moved gas line oncor requesting 7 foot easement all down entire alley asked to come back out and talk about 5 poles on half alley and then poles cross to north side requested easement all the way down had concerns because poles abutting gences and rather not do a 7 foot bring fenc couple feet back workign with oncor to talk

to about that issue. Dufford have you drove around with onco everybodys fence next to telephone poles perplexed standaard is 20 foot radius around poles. Still 7 feet there people will use his neighbors shoot fireworks dump trash and leaving things in yard. Love suggested a video camera.

Robert Rendall, 6 Desta Drive, behalf of Mr and MRs PEterson similar story as just heard pay taxes on rpoeperty and maintain but don't have control. Aat time in 1982 when path dedicated for public different era out there it was rural now urban and now want to clean up and take control.

There being no one else wishing to speak, the public hearing was closed at 10:36 a.m.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9866 in accordance with the Charter of the City of Midland and amendment to waive 5 foot seback requirement; seconded by Council Member Love.

John O direct attention to current ord with respect to fencing and setbacks currently as drafted the fencing shall be minimum of 5 feet back of any 5 feet back and 7 feet from alley. no fencing across lot 18. that is way ordinance is drafted.

Peterson 2 foot gass line on proeperty closest to fence. Chuck Atmos is aware of that. Robnett there will be second reading apprope waive fee and also to remove 5 foot setback from oncor if approved before second reading.

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

29. Hold a public hearing and consider an ordinance on a request by Greg Clark dba Bully Beds, Inc. for a Specific Use Permit without Term for a Kennel / Sanctuary on Lot I, Tract 7, Stockard Acres, City and County of Midland, Texas, (generally located on the north side of Carter Avenue, approximately 256-feet west of Goode Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9867

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT I, TRACT 7, STOCKARD ACRES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF CARTER AVENUE, APPROXIMATELY 256 FEET WEST OF GOODE STREET), WHICH IS PRESENTLY ZONED C-3, COMMERCIAL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A KENNEL; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9867.

Development Services Director Chuck Harrington gave a brief overview of the item noting bully bed inc at 1506 Carter avenue. number of issues animals kept without proeperty permitting. He is apply for sup without term for kennel sanctuary. provided site

plan with 37 cages and 4234 sq foot play area. dogs kept in kennels except walking and wont' be left outside of kennels wont be dropped off or picked up at location. will be boarded 24/7 would be required to comp 6-2-7 of city code regulates this type of activity. taken to p7z and rec for approval 12/3. Request meets minimum requirements for this type of permit # of issues ask questions to resolve. cond no more than 50 kennel units must be in compliance pet waste properly disposed of, if any failure to comply city manager at sole discretion revoke permit. 4 loj and they do constitute 28% objection require supermajority. Lacy is applicant in compliance with muni court? Tina Jauzno that she is aware of. Was there time frame given to get into compliance. Tina city sent certified letter to applicant making aware deadline had passed to give docs that court ordered. Ohnemiller in November required to submit proof of vaccination ended in nov. no proof submitted not in compliance with court order. Robert Patrick as discussed with p7z was informed did have spay neuter and vaccination records staff has not seen to date and animal at-large not sure if from this property were no shot records for that property and issued citations for that animal.

Kevin Runkle, 1016 S Goode don't have problem with dogs pet lover, visited with one of neighbors, he is behind asked person to east who said after rain smell is atrocious. Did internet search on dog waste and found 52 pit bulls at 40 pounds a day. there is no telling what condition of soil is. ground run off dry days when wind blows and everybody in area is breathing think major health situation.

Byron Fendor 6001 Meadowview lane, several properties against Good Street not against what trying to do not right place, been going on 4-6 years, noise 50 dogs behind your back fence and see how it sounds and smells. He don't agree with what done, how approached and location. Morales all leasing not in support. Byron no not in support. if have dogs behind fence can't get as much rental rate for as many years as put up with time to do something different.

Mayor Morales opened the public hearing at 10:46 a.m.

Debbie Watlington 1414 eCR 45 Midland, father owns property across from Fenders Midland Ironworks from that property you cannot smell animals. Volunteered to help walk and clean up, used to run kennel it is just north of back gate of horseshoe. the ammonia smell in the dirt can get strong don't know proper way to get rid of ammonia as far as feces picked up daily basis done good job straight across that street there is dogs and cats running loose across street. red pit about 4 blocks down from where lived and another one loose shepherd mix had to stop truck. if people weren't against them they might try to get those dogs to contain where not nuisance to other people in area. Morales everyday you clean. Debbie once a day in afternoon.

Elayna Mills, 2412 Haynes Drive, been going out to Bully Beds for just over year seen amazing transformation in these dogs, started going out after losing marriage and assault, dogs taught if they can fight back through abuse neglect and become beautiful sole every met she can keep fighting for them hate to see them have to pack up and move. Have become associated with them. She is bully beds. The dogs get bad wrap and don't deserve it some dogs can't be rehabilitated but try to give them a chance. Morales the dogs stay a whole year. Mills fight for right home. how long do dogs stay on average. Elayne it depends if rehabilitated give good home.

Greg Clark, 1506 Carter owner of Bully Beds, to answer few questions, supposedly said

registered letter never received, as far as turning in shot records spay and neuter left at from desk at animal control with girls there, have records with them if would like to see. As far as being in compliance that is what trying to do. Everything is step here and there. Had palce up for sale so can get out of city to quit being n uisance ot neighbors. every year turn ground over treat ground no disease human or naimal in over eight years. animal control cannot say that they they have a lot fo people working for them. Do a lot of things, dogs stay varys could be 2 weeks could be 2 years, do not put them down if don't get adopted live life out with him, fed daily walked daily taken care of dialy no parvo distemper in 8 years. only time had is hwen animal control asked to take dogs adn ttthey brought in parvo. Mayor not mowed not landscapedd not manicured can smell order define taking care of grounds. Dec bad month wie major car accident and had emergency surgery been behind through dec getting things done tomorrow getting things ddone normally do maintain mow weed everything else, spring time bring tractor in treat gorund use sulfur in ground. Love read communion between bullyb eds and animal services over 3 years or 4 years seems to be antagonistic relationship. Also seems bully beds tried to intentionally embarass city when trying to enforce ordinaces that wer on book. the face that city and letters bending over backwards to ehlp why should approve and give chance when been given chance for last 3 years. When Paula dirctor got along ahnd in hand when leah lewis took over that is when issues started. Very passionate people sometimes should have kept mouth shut. This is their passion saidd things out of anger or frustraitont hat shouldn't have. Whe paul there if he saw issue at bully beds not only would he addresss but pitch in and help he used to take talks and use as ambassadors for city for animal contorl. when leah lewis took over she tries to find ways to find take money away from mmaking dogs. Roobnett there are rules onb ooks that everyone has to ahere to please quit adresssing ms lewis like she is picking on yooou, it is not case. Love the list of complaints more complaints when paul was there 4 and 3 from Leah. Just telling how it seems to him.

Amy Adams 1506 Carter Avenue, director of Bully Beds 15 years ago pit bull walked into family changed lives. knew nothinga bout breed. Didn't know anything but decided to be their voice. Learn every day hwo to be better made lots of mistakes but learning. always open to learning not behind closed doors not shut up inb arn place not fenced in anybody is welcome to come. dogs create a mess in aa mater of minutes everything do is out of love and being voice. all dogs spayed neutered up tod ate on shots before go to right home. temperment tested with other naimals go to great lengths have to find right home had a mstiff stayed 5 years before she found the right home. Didn't give up on her go to adoption events send dogs out of state if get rescue say take so may dogs donors pay to have betted healthy and ready to be adopted. If misunderstanding between them and City nneed to fix she raised kids here Gregs family here over 100 years. don't want to go bad more than willing ot listen to do what need to improve upon. Morales had to go through court system. When shestarted bully beds filed with legal zoom in 2012. Love talking organization of an entity and not what talking about. Morales when preivous animal direct. Robert in Feb of 17 MRT ran a piece Mr. Oneil wrote that found it was in operaiton with 60 animals at time working with them to brring in compliance (13). Ms. Hotchkiss was first person to say applyf or sup. She though legally in right. Love couple of questions is you were dog walking what training and what certificaitions do you and bully beds have . Just whaat learned no statee certifications. Love comment on facebook post thorwn city under bus try to embarass city and embarass staff and said get attorney but now here asking to approve something. She is very passionate about animals and aving their lives tend to speak exactly how she feels at time. Have not been in agreement and trying to figure at how

to save these dogs lives and don't deserve lashing out at people who are coming after you. Love when lash out tends not to help situation. Dufford looking for new location. Have place for sale and looking for new location found in Midland County. (Gentleman just accepted midland adult probation for community service hours that will help them to keep place cleaner and better up to date). Hotchkiss concern is crux of problem its paperwork that is still her problem and never been done. Don't have information. Proof of neutering and vaccinations. Other agencies know the rules and send them in monthly of all changes. Didn't know she should report in monthly. Robert judge asked for those records to be delivered to animal control. Robnett if dropped off we would know about those records. Dufford how long do you think it would take to move your location. Many if sell place gone in 30 days. Love you have property but not going to move on. Dufford have new location. man yes if available when we sell looked at several different places. Showed card of proof of receiving certified letter to attorney. They said their attorney won't return their phone call. how many dogs there today 43. Hotchkiss it is obvious that this is your heart and you put so much time and energy into and know not as though gotten any money back in return appreciate what you have done just wish you had followed rules as well as followed heart. Morales that is bottom line.

Angie Mims Big Spring TX wanted to talk on behalf former director of humane society housed 200 dogs co founder of rescue that is out of big spring and Boston MA traveled all over united states. toured different facilities. ehart bully beds is most passionate caring rescue ever dealt with and done hundreds of rescues seen it all. nobody has more heart into what doing than bully beds. been on property to take pictures of dogs place is spotless when heard not kept clean because never been here and not immaculate greg amazin with animals. kind of at loss of what to say this is first talkign about animal control but when standing back looking at no matter what say can't say anything without it being put back on them. Understand about records will help them set up a system. when ran humane society worked with amy and greg numerous occasions things that they know about these animals blows their mind. if not pit bulls it wouldn't be an issue if it was labs or poodles and didn't have problems. Feel like pit bull rescue is something so desperately needed. City should be thankful here and welcome. Yes there's paperwork permits, these are lives not property. Morales if we had 20 operations you cannot operate a city like that. its not about how much we love our dogs and cities cut having policies and procedures in place. was in charge of close to 200 dogs for over 4 years and gone to them. Robnett nobody is questioning their motives. Love how long know clarks, about 5 6 years. love did you know this was going on. Love if knew what did you do to help them come into compliance she told them to get a lawyer. In her experience dealt with city and paperwork and 501 but never seen a city come at a rescue like this and never seen this and breaks heart. Robnett what would help is getting dogs adopted mentioned cleanliness of location afraid just don't have resources to take care of resources appropriately and file proper paperwork. now here has city said capture and euthanize what to help with compliance and adopted don't think property taken care of probably hasn't been picked up for 2 weeks thought would be in immaculate shape. come wants to help bully beds what is going on has been going on too long and not working. nobody suggesting taking euthanize want to help clearly dogs are not being adopted out quick enough cleanliness and paperwork. can't allow to keep going just because have heart for dogs.

There being no one else wishing to speak, the public hearing was closed at 11:22 a.m.

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

9867 in accordance with the Charter of the City of Midland with amendment for 90 days; seconded by Council Member Trost.

Must be in full compliance in 90 days. Lacy treating human beings is just as important as being passionate to animals. Not okay to treat people on social media in way you won't talk of face. Robnett continual problem won't vote against not proposing euthanize workign with bully beds find homes for beds 90 day option put right back in same spot. Dufford willing to take chance.

Lacy if actively trying to sell property this is window to do it but won't vote for any more ext. Love echo Robnett cannot support no way can support and different if actual evidence of attempting and trying but everything war and battle district doesn't support. Dufford probably feel different if on social media.

Hotchkiss so disappointed in organization not because of emotion she likes rules and wants them followed happy to help come forward and make them line up with rules of city for land use but when found out for years that they have not followed years requested over and over again and don't understand is if dogs are inoculated and neutered as say that you said they were in compliance. Can't vote for it. Dufford need 6 in favor.

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

Mayor required super majority was over 20% which requires council to approve supermajority needed 6 votes in support fails for lack of support. Dufford what is next steps? John O thing next want to address under deferral order with municipal court need to get in compliance or deferred adjudication will be revoked first week of february. Robnett next step of city is help continue to investigate rescues for dogs but need resolution.

30. Hold a public hearing regarding the proposed granting of oil and gas well permits to Permian Deep Rock Oil Co., LLC, for the drilling of oil and gas wells, being Rebel #H130LS located 110 feet from the south line and 290 feet from the east line, Rebel #H130MS located 110 feet from the south line and 260 feet from the east line, Rebel #H130WB located 110 feet from the south line and 230 feet from the east line, Rebel #H135SS located 110 feet from the south line and 1,090 feet from the east line, Rebel #H135WA located 110 feet from the south line and 1,060 feet from the east line, Rebel #H140LS located 110 feet from the south line and 1,180 feet from the east line, Rebel #H140MS located 110 feet from the south line and 1,150 feet from the east line, Rebel #H140WB located 110 feet from the south line and 1,120 feet from the east line, Rebel #H145SS located 110 feet from the south line and 1,371 feet from the east line, and Rebel #H145WA located 110 feet from the south line and 1,340 (Planning Admin)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting 3 groups of wells first group in same area and locations and previously permitted wells. will be using 16 foot sound walls and south side is pasture. They have surface agreement for all wells, not asking same variance as past, landscape and irrig, drill pad one group of fence for whole group of wells. no more city streets off I-20 and req 24 hour variance for fracing.

Mayor Morales opened the public hearing at 11:33 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

31. Hold a public hearing regarding the proposed granting of oil and gas well permits to Permian Deep Rock Oil Co., LLC, for the drilling of oil and gas wells, being Rebel #H150LS located 110 feet from the south line and 1,792 feet from the east line, Rebel #H150MS located 110 feet from the south line and 1,762 feet from the east line, Rebel #H155SS located 110 feet from the south line and 2,092 feet from the east line, Rebel #H160LS located 110 feet from the south line and 2,452 feet from the east line and Rebel #H160MS located 110 feet from the south line and 2,422 feet from the east line Section 2, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas, (said wells are generally located between 1,762 and 2,452 feet west of South Lamesa Road and 170 feet south of I-20.) This is a public hearing only. (Planning Admin)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting ditto

Mayor Pro Tem Love opened the public hearing at 11:35 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

32. Hold a public hearing regarding the proposed granting of oil and gas well permits to Permian Deep Rock Oil Co., LLC, for the drilling of oil and gas wells, being Mustang #H110LS located 110 feet from the south line and 2,306 feet from the west line and Mustang #H110MS located 110 feet from the south line and 2,336 feet from the west line, Section 2, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said wells are generally located between 2,306 and 2,336 feet east of Rankin Highway and 170 feet south of I-20.) This is a public hearing only. (Planning Admin)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting ditto.

33. Hold a public hearing and consider an ordinance on a request by Meredith Burgess for a Special Exception from the City of Midland Zoning Ordinance, Section 11-1-7-Area, yard structure, parking and miscellaneous lot and use regulations concerning the front yard setback for the construction of a pool on Lots 37 and 38, Block 5, Midkiff Plaza Addition, City and County of Midland, Texas, (generally located on the north side of Tealwood Place, approximately 230-feet east of Whitney Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9868

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 37 AND 38, BLOCK 5, MIDKIFF PLAZA ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF TEALWOOD PLACE, APPROXIMATELY 230 FEET EAST OF WHITNEY DRIVE), BY PERMITTING A REDUCED FRONT YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9868.

Development Services Director Chuck Harrington gave a brief overview of the item noting REDUCE front yard set back. pool will be their back yard because fronts

culdesac it iss their back yard but front yard on culdesac. created difficult situation staff recomended approval of special exception. love textbook reason why counil should hsv except to rrules.

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

Tom Burgess 3000 ?? Robnett appreciate going thorough process alot of people just build and cause problems. Asked city to traade the front of the proerty with the alley.wants to bring fence 4 feet after. Council can't discuss that now have to come back to Council neough room for pool all good.

There being no one else wishing to speak, the public hearing was closed at 11: 42 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9868 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

34. Hold a public hearing and consider an ordinance on a request by Midland Independent School District, for the initial zoning of a 123.28-acre tract located in Section 37 and 48, Block 40, T-1-S, T&P RR Co Survey, Midland County, Texas, (generally located approximately 703-feet west of the intersection of Tradewinds Boulevard and Thomason Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9869

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 123.28-ACRE TRACT OF LAND OUT OF SECTIONS 37 AND 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS A 1F-3, ONE-FAMILY DWELLING DISTRICT; SAID TRACT BEING GENERALLY LOCATED APPROXIMATELY 703 FEET WEST 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 Misty Cryer read the caption of Ordinance No. 9869.

Development Services Director Chuck Harrington gave a brief overview of the item noting tract in annexation ow ready for initial zoning midland school district asking for singl efamily which is required for school. staff reviewed in complinace with comp plan p7z rec approval, staff recommended approval. one loj. lacy asked why it wouldn't be zoned school? Chuck can go anywhere and this is best for area.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9869 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

Mayor Morales opened the public hearing at 11:44 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 by PROFFUTT Limited Partnership, for the initial zoning of an 8.464-acre tract located in Section 38, Block 40, T-1-S, T&P. RR. Co. Survey, Midland County, Texas, (generally located approximately 896-feet south of State Highway 191 and 1,020-feet west of Avalon Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9870

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 3.199-ACRE TRACT OF LAND AND A 5.266-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN LR-2, LOCAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED APPROXIMATELY 896 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 1,020 FEET WEST 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 Misty Cryer read the caption of Ordinance No. 9870.

Development Services Director Chuck Harrington gave a brief overview of the item noting recently annexed and now requesting initial zoning initial request Ir2 in compl with ocmp pplna and p7z approved staff ready to rec iinitial zoning of proeprty. will ahve to comly with all req one loj received.

Mayor Morales oph 11:46 a.m. cph

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9870 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

36. Hold a public hearing and consider an ordinance on a request by PROFFUTT Limited Partnership, for the initial zoning of an 16.946-acre tract located in Section 38, Block 40, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located approximately 1,081-feet south of State Highway 191 and 1,020-feet west of Avalon Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9871

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 16.946-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; SAID TRACT BEING GENERALLY LOCATED APPROXIMATELY 1,081 FEET SOUTH OF STATE

HIGHWAY 191 AND APPROXIMATELY 1,020 FEET WEST 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 Misty Cryer read the caption of Ordinance No. 9871.

Development Services Director Chuck Harrington gave a brief overview of the item noting initial zoning pd for hd with underlying mf2 zoning. annexed recently, site plan included showing 13 3-story building and 792 parking spaces putting green sand volleyball, club house single story density 23.0 units per acre. will required to have 20 foot setback around entire property. rev by all depts in compl with comp plan staff rec approval subj to a-f.

Mayor Morales oph 11:49 a.m.

Andrew Mellen Maverick Engineering 1909 W Wall, lacy ask go into detail about alleviate line of site with homes 7 to south. 160 feet between houses and building also garages along property line pitches between 15 and 20 feet high. Lacy quite a bit of separation between garages and housing. property owner and construction over 160 feet andrew. Andrew to bring on deauville reviewed and waiting for final to build out roadway.

Love no loss but pitched roof on garages. Mayor lighting? Andrew angled down not toward development developer proactive will work with City.

Bucky Bonds work quite hard to afford to live in town Mr. Mellen proactive getting with him for sit plans couple concerns 6 foot fence around perimeter of property how do you propose taller fence synthetic stone fence only north and west. next concern trash dumpsters on south side huge problem with trash blowing in back yard. Confused directly behind property is lease road says used for mineral gathering and powerlines. Understand concern mining for minerals behind back fence? Would like to see if enclose dumpsters bricked so won't blow in pool. Next thing would be question of parking on average normal household company personal and other vehicles on math 792 parking but garage won't pick 3 cars 1100 -1500 concern park on Avalon and Duval, lived there over 2 years without any buildings behind during rainy water encroaches house based on drawings here personally in fine print lot one is drainage ditch come from Chevron to see a drainage ditch if could redesigns. Lacy individual own property can decide. retention basin is decided and won't look like Dr Horton has. Mining operation was there before you bought any activity assumption of risk when bought house. 8 foot fence can address. Lacy . gentleman parking and drainage concern if go to any average parking lot so tight built for compact cars. Love scenery and privacy are two different things. because far enough back won't have anybody looking in back yard. Trash pick up on site dumpsters on site. parking understand calculation of parking but COM has requirements and they will be in compliance. Lacy if it becomes problem they will address parking. majority of apt complexes on private pick up. morris normally screened on all four sides. Lacy will amend to include 8 foot fence.

Stephen hanks 6608 Patriot parkway, concern property value numerous occasions

behind abuelos and houses behind taht ones that back up to it have decreased in value looked at less. she pulled information off MLS that houses right behind get looked 3-4 times and other houses across street get looked at more. it decreases home value and selling house if want to move. Lacy what is currently behind house? Water goes through and touchhes his back yard. He's not affected that much but talking about his home value biggest investment make.

cph 12:06 p.m.

Lacy assked Andrew Mellen increase height of fence garages are fences but can build 8 foot wall between garages it will bee 8 foot cmu wall. Renteiton pasin? Andrew in front near Deauville there is basin behind design for overflow that comes from golf course onto TxDot. Basin will overdig to allow 100 year to come through and spill into their drainage basin. Water was being filled up and spilling onto deauville designing extra culverts so that doesn't happen and dressing up basin on channel to help accomodate that.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9871 in accordance with the Charter of the City of Midland with amendment to require 8 foot fence between garages on south side; seconded by Council Member Love.

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

37. Hold a public hearing and consider an ordinance on a request for annexation of a 21.30-acre tract located in Section 38, Block 40, T-1-S, T&P RR Co. Survey, and a 6.975-acre right-of-way out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located approximately 688-feet south of State Highway 191 and 2,287-feet west of Avalon Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9872

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 21.30-ACRE TRACT OF LAND AND A 6.975-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED APPROXIMATELY 688 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 2,287 FEET WEST OF AVALON DRIVE); APPROVING A PUBLIC SERVICE PLAN; ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9872.

Development Services Director Chuck Harrington gave a brief overview of the item noting for annexation for Deaville and Arlington. voluntary annex reviewed by staff in compl with comp plan staff rec approval.

Mayor MOrales ooph 12:11 a.m. cph

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9872 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

38. Hold a public hearing and consider an ordinance on a request for annexation of a 28.84-acre tract located in Section 8, Block 40, T-2-S, T&P RR Co Survey, Midland County, Texas, (generally located at the southeast corner of the intersection of South Farm-to-Market Road 1788 and Loop 40.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9873

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 28.84-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH FARM-TO-MARKET ROAD 1788 AND LOOP 40); APPROVING A PUBLIC SERVICE PLAN; ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9873.

Development Services Director Chuck Harrington gave a brief overview of the item noting annexation 28.84 acres and is voluntary annexation to provide utilities services to in compl with cocomp plan staff rec approval.

Mayor MOraless oph 12:12 a.m. cph

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9873 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

39. Hold a public hearing and consider an ordinance on a request by Knights of Columbus for a zone change from 1F-1, One Family Dwelling District, to O-1, Office District on Lot 1, Tract 4, Wallace Heights Addition, City and County of Midland, Texas, (generally located on the northeast corner of the intersection of Bates Street and Andrews Highway.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9874

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, TRACT 4, WALLACE HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF BATES STREET AND ANDREWS HIGHWAY); 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

pulled by applicant

40. Hold a public hearing and consider an ordinance on a request by Blue Beacon International, Inc. for a vacation of the 0.907-acre portion of East Taylor Avenue of the SE/4 of Section 1, Block 39, T-2-S, T&P. RR. Co. Survey, City and County of Midland, Texas, (generally located approximately 711-feet east of King Street and approximately 312-feet west of South Fairgrounds Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9875

AN ORDINANCE VACATING AND ABANDONING A 0.907-ACRE PORTION OF EAST TAYLOR AVENUE RIGHT-OF-WAY OUT OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 732 FEET SOUTH OF GARDEN CITY HIGHWAY, APPROXIMATELY 711 FEET EAST OF KING STREET, AND APPROXIMATELY 312 FEET WEST OF SOUTH FAIRGROUNDS ROAD); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$27,210.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9875.

Development Services Director Chuck Harrington gave a brief overview of the item noting vacate portion of Taylor Street for future development on site. in order to fully access site proposing to dedicate additional row along west property line. trade off they are proposing east Taylor 39516 sq ft replace 35290 sq ft of row to relocate and change street. staff reviewed and looked at values and rec consider even trade off they will be building street. Lacy is ord written for landswap. morales will this alleviate fairgrounds. Love Mike? Mike alot initiated by staff. Taylor runs parallel to garden city connects back to lamesa dedicated decades ago less than 100 feet from I-20 in order to develop applicant would have been required to improve but do not want intersection tehre arrangement was to vacate one property and dedicate realigned to intersect 120 service road and approved with TxDot and connect Taylor but unimproved roadway provide access to all properties in future and meantime provides better access for this project. Love was oowenr informed of what take place with I-20 and TxDott. Mike aware eventually one-way service roads which is also a benefit.

John O the land swap required replat files will dedicatinne part of replat city is getting is that in future or right here Love.

Mayor Morales oph 12:18 a.m.

Dana MORris KS rep blue beacon not owners have no contract owner signed appfor rezoone they are aware of what is going on. Ask support on swap because actually going to dedicate more then that move a little to east and don't want to encroach on neighbors. This will be 121st truck wash we know dedicating little more than what showing.

Cory Hardy 9914 WCR 77, own 1j0 acres to north speak in favor been working with Dana on abandoning this road best thing for city right now used as dump and natural draw in support.

cph 12:20 p.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9875 in accordance with the Charter of the City of Midland with amendment for owner to dedicate land with equal or greater in value of right-of-way; seconded by Council Member Lacy.

Love horrible drainage area talk about how help. chuck in discussion with proeprty they will construct facility to retain drainage on propeerty.

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

41. Hold a public hearing and consider an ordinance on a request by VCZ Development for a Zone Change from O-1, Office District to MF-2, Multiple-Family Dwelling District on Lot 1, Block 5, Hollandale Heights Addition Resubdivision Blocks 3-9, City and County of Midland, Texas, (generally located on the northwest corner of the intersection of North Carver Street and East Dormard Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9876

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 5, HOLLANDALE HEIGHTS ADDITION, RESUBDIVISION OF BLOCKS 3-9, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED O-1, OFFICE DISTRICT, TO BE USED AS AN MF-2, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH CARVER STREET AND EAST DORMARD 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 Misty Cryer read the caption of Ordinance No. 9876.

Development Services Director Chuck Harrington gave a brief overview of the item noting 41 and 42 erelated 41 is rezoning from o-1 to mf2. app proposing construction of moderate income housing that will eventually go through state processes. prop they have for next is y60 units some problem due to flood plain issues managed to make out of site and now ask for mf2 zoning to proceed forward. Did have 2 loj in compl with ocmp plna staf rec approval. Love affordable? chuck yes. Morales in flood plain, chuck yes. Morales does that load drainage is ther eretnetion there. chuck defer to applicant. had proposals on this best in compliance with flood plain.

Mayor Morales oph 12:26 a.m.

Michael Osbone 14700 ??? , provide eng services they do multi family dev thorougha bout 14 states project in Midland operating 8 years gateway plaza behind 4 points hotel. come across parcel feel meets need for development. He does engineer. met with staff couple occassions on planning and infrastructure. stafff indicating infrastructure shouldb e adequate to services. current site shows detnetion pond on site happy to put it in n ot

sure they want it. if adjacent to drainage better to get your water out before other water comes through put detention structure if in best interest for reason to get water out faster open for questions. Love did calculation 2 things. affordable housing how does fact that life everything affect affordability. Large budget for infrastructure cost. Included in cost and balance out in budget and site itself not that far off where have larger area may do excavation so doesn't cause buildings itself to detain water. Love after come to terms with com how let water egress off property is it feasible to put another unit in northwest section? Michael did look at study did have additional 12 units in space as came to cost ratio of raising additional site that where scaled back down to 60 from 72 but numbers didn't pencil out to facilitate additional work.

Robert site plan is next item.

Jeff Beckeler 132 E Lake Springfield MO VCZ development open for question. Morales if is required open to one. yes. Lacy how competitive in getting tax credits? competing with other applications? Jeff yes Andrews, Odessa. Courtney four total apply for tax credits.

cph 12:31 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9876 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

42. Hold a public hearing and consider an ordinance on a request by VCZ Development for the approval of a Site Plan on Lot 1, Block 5, Hollandale Heights Addition Resubdivision Blocks 3-9, City and County of Midland, Texas, (generally located on the northwest corner of the intersection of North Carver Street and East Dormard Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9877

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 1, BLOCK 5, HOLLANDALE HEIGHTS ADDITION, RESUBDIVISION OF BLOCKS 3-9, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH CARVER STREET AND EAST DORMARD AVENUE); 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 Misty Cryer read the caption of Ordinance No. 9877.

Development Services Director Chuck Harrington gave a brief overview of the item noting site plan just discussing presented for consideration as next step for their submittal density 8.74 units per acre low density. staff reviewed and would rec approval. have 2 loj would rec approval subj to item a-d.

Mayor Morales cph 12:33 p.m. cph

Council Member Love moved approval of the first of two readings of Ordinance No. 9877 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

MISCELLANEOUS

43. Approved a motion directing staff to begin the annexation of a 126.162-acre tract located in Section 13, Block 40, T-1-S, T&P RR Co. Survey, and a 13.537-acre tract located in Section 13, Block 40, T-1-S, T&P, RR Co. Survey, Midland County, Texas, (generally located approximately 2,630-feet east of the intersection of Mockingbird Lane and Holiday Hill Road.) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting staff considers next phase of development of Vineyards had 126 acres to get annexed. voluntary annex directing direction.

Council Member Love moved to approve Approved a motion directing staff to begin the annexation of a 126.162-acre tract located in Section 13, Block 40, T-1-S, T&P RR Co. Survey, and a 13.537-acre tract located in Section 13, Block 40, T-1-S, T&P, RR Co. Survey, Midland County, Texas, (generally located approximately 2,630-feet east of the intersection of Mockingbird Lane and Holiday Hill Road.); seconded by Council Member Hotchkiss.

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

44. Approved a resolution of No Objection of the City Council of the City of Midland for VCZ Development, LLC 2019 application to the Texas Department of Housing and Community Affairs for 9% Competitive Housing Tax Credits. Generally located near 1301 E. Dormard Ave, Midland TX in Midland County, Texas. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 014

RESOLUTION OF NO OBJECTION TO VCZ DEVELOPMENT, LLC'S APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR 9% COMPETITIVE HOUSING TAX CREDITS FOR THE CONSTRUCTION OF APPROXIMATELY SEVENTY-TWO UNITS GENERALLY LOCATED NEAR 1301 EAST DORMARD AVENUE IN MIDLAND, TEXAS

Development Services Director Chuck Harrington gave a brief overview of the item noting staff req move to jan 22.

Council Member Lacy moved to defer to January 22; seconded by Council Member Love.

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

45. Approved a resolution of the City council of the City of Midland, Texas, supporting the proposed rehabilitation of Chaparral Apartments and confirming that the City shall provide a loan, grant, reduced fee or contribution of other value in the amount of \$500.00 for such development; the applicant is MJL Acquisitions IX, LLC, an affiliate of the Michaels Organization; the proposed development is located at 4201 North Garfield Street, Midland Texas 79705. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, SUPPORTING THE PROPOSED REHABILITATION OF CHAPARRAL APARTMENTS AND CONFIRMING THAT THE CITY SHALL PROVIDE A LOAN, GRANT, REDUCED FEE OR CONTRIBUTION OF \$500.00 FOR SUCH DEVELOPMENT; THE APPLICANT IS MJL ACQUISITIONS IX, LLC, AN AFFILIATE OF THE MICHAELS ORGANIZATION; THE PROPOSED DEVELOPMENT IS LOCATED AT 4201 NORTH GARFIELD STREET, MIDLAND, TEXAS 79705; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Development Services Director Chuck Harrington gave a brief overview of the item noting request as Mr. Shrp deferring to application for Tx Dept of HOusing Community Affairs orig reso is MJL but hould be Midland ??

Joseph Weatherly 7111 Terry Land VA regional vp for mchael's organization , here today to ask for support on item 45 that is support for resolution to rehab chaparell owned 15 years built in 70s has not undergone significant rehab been before asking to continue that support and allow to do with your support today. correct name is Midland Cchaparell Associates.

Tracy Macias 4201 N Garfield. have been resident for 3 years chaparell ask for support to renovate property while property is in working order aging and ready for major upgrade. There are funds at state level to pay for renovation but need City support to receive highest points possible need new kitchen bathroom ac. it would also be nice to have new playground equipment. Request approval for resolution of support for Michael's org to apply for tax credit.

Council Member Dufford moved to adopt Resolution No. 2019 - 015; seconded by Council Member Love.

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

46. Approved a motion appointing a Mayor Pro Tempore.

Council Member Robnett moved to Love as MPT; seconded by Council Member Lacy.

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

47. Approved a motion authorizing the City Manager to take all action necessary for the design and construction of improvements and enhancements to the intersection of West Cuthbert Avenue and North Garfield Street, including (1) acquiring necessary real property interests, (2) issuing necessary requests for qualifications, proposals or bids, and (3) authorizing payment of necessary costs in connection with the foregoing; provided, however, that the award of any contract for design or construction work must be approved by the City Council. (Legal)

Mayor announced will hear after Executive Session.

PUBLIC COMMENT

48. 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.)

Cheryl Golin 3219 PReston Drive native texan midland and odessa the new ? don't disagree with animals are considered property. one of problems is they just keep breeding you don't know what its like to get one of those dogs out knowing that one dog died its hard. not your responsibility for other people who are irresponsible. everything at house been spayed neutered medical attention and will eat. can't do mandatory spay neuter know hard to enforce but people need to be held accountable. When pits come in they get dog no responsibility dog is one that going to pay with its life. It becomes problem Not good situation just sick of it. Maybe Council can come up with solution. Someone said you couldn't do mandatory spay/neuter because didn't want to step on toes. She's at limit take little old dogs when their time comes when people time comes hope they are alone and are fully aware that alone.

Shirley Howard, 45 Magnolia?? congratulate Mr. Trost Robnett and Love and Dufford on reelection. thanked and congratulate on continued volunteerism for what do for community. rep negro prof business women invite all to come out 1/21 on annual celebration of MLK celebration. Would like elected officials to be present. \$30 donation can give more if choose. People in this room today will be on program and give support.

Sydot Heran, building downtown support of tax abatement for Vaughn building appreciate efforts for downtown express interested for real estate investments to improve downtown.

EXECUTIVE SESSION

recess to executive session 12:48 p.m.

take action 47 down in basement following executive session.

49. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:

- a. Section 551.087, Deliberate Economic Development Negotiations
 - a.1. Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.
- b. Section 551.072 Deliberation Regarding Real Property.
 - b.1. Discuss the purchase, exchange, lease, or value of real property described as Lot 1, Block A1, Johnson and Moran Addition, and Lots 5 and 6, Block 2, University Park Addition, City and County of Midland, Texas.

All of the business at hand having been completed, the meeting adjourned at ____ p.m.

PASSED AND APPROVED the __ day of ____, 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary