

**MIDLAND CITY COUNCIL
MINUTES
February 12, 2019**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on February 12, 2019.

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

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 Morris Williams, 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.

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

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., February 12, 2019.

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

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

1. Invocation - Brad Smith, Calvary Assembly of God - Midland
2. Pledge of Allegiance

PRESENTATIONS

Mayor present Willie Goudeau Day proclamation. and Eva Luna Day

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of Proclamation for Willie A. Goudeau Day.
 - b. Presentation of proclamation for Eva Luna Day.

CONSENT AGENDA

4. Approved a motion approving the following minutes:

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

- a. Regular meeting of January 22, 2019.

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

- b. Special meeting of January 29, 2019.

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

5. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Hogan Park Golf Course Driving Range Renovation Project for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 031

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE HOGAN PARK GOLF COURSE DRIVING RANGE PROJECT

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

6. Approved a resolution ratifying the emergency repair of the breakroom and men's and women's restrooms in the basement of the Police and Communications building for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 032

RESOLUTION RATIFYING AND APPROVING AN EMERGENCY CONTRACT WITH TOMMY KLEIN CONSTRUCTION, INC., FOR THE RENOVATION OF THE BASEMENT BREAKROOM AND RESTROOMS IN THE POLICE AND COMMUNICATIONS BUILDING FOR A TOTAL COST OF \$92,658.24

Love what is definition of emergency happened 3 months ago. Fred restrooms, kitchen flooded removed floors countertops, wall. Love not interested in what did why 3 months later does this come up as emergency. Fred declaring emergency we had work done. repairing and getting back to par took 2-3 months to get everything done. Patrick sewage backed up in basement and had to get it completed. repairs took 2 months. finished last month. later part of January.

Council Member Love moved to adopt Resolution No. 2019 - 032; seconded by Council Member Robnett.

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

7. Approved a resolution approving the purchase of a Runway De-Icer Trailer for the Garage Division. (PURCHASING)

RESOLUTION NO. 2019 - 033

RESOLUTION APPROVING THE PURCHASE OF A RUNWAY DE-ICER TRAILER FOR THE GARAGE DIVISION FROM THE SOLE BIDDER, BATTS, INC., OF ADVANCE, INDIANA, AT A TOTAL COST OF \$50,100.00

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

8. Approved a resolution awarding the project described as Terminal Building Ramp and Side Exit Stairs Demolition Project at Midland International Air & Space Port to Mid-Tex of Midland, and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2019 - 034

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH MID-TEX OF MIDLAND IN AN AMOUNT NOT TO EXCEED \$375,000.00 FOR THE TERMINAL BUILDING RAMP AND SIDE EXIT STAIRS DEMOLITION PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; APPROVING THE AMOUNT OF \$37,500.00 FOR CONTINGENCIES; AND APPROPRIATING \$691,100.00 IN FUNDING FOR SAID PROJECT

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

9. Approved a resolution authorizing the Office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to represent the City of Midland in a lawsuit styled Ovation Services, LLC V. Miguel Hines, in the 142nd Judicial District Court, Midland County, Texas, Cause No. CV55245. (CITY ATTORNEY'S OFFICE)

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

10. Approved a motion authorizing the execution of a sports agreement with the Boys and Girls Club of the Permian Basin, to administer programs, special events, and services related to flag football and soccer for youth ages eight through twelve. (COMMUNITY SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

11. Approved a motion authorizing the execution of a sports agreement with the Greater Midland Football League to administer programs, special events, and services related to youth football (COMMUNITY SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

12. Approved a motion authorizing the execution of a sports agreement with the Midland Soccer Association, Incorporated, to administer programs, special events, and services related to soccer for adults and youth. (COMMUNITY SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

13. Approved a motion authorizing the execution of a sports agreement with the Midland Junior Baseball Association, Incorporated, to administer programs, special events, and services related to baseball for men ages nineteen and younger (COMMUNITY SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

14. Approved a motion authorizing the execution of a sports agreement with Midland Softball Association, Incorporated, to administer programs, special events, and services related to softball for ages fifteen and older (COMMUNITY SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

15. Approved a motion authorizing the execution of a sports agreement with Midland United Girls Softball Association, Incorporated, to administer programs, special events, and services related to softball for girls. (COMMUNITY SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

16. Approved a motion authorizing the execution of a sports agreement with Stonegate Fellowship to administer services related to flag football for youth and adults (COMMUNITY SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

17. Approved a motion authorizing the execution of a sports agreement with the Texas Cricket Club to administer programs, special events, and services related to cricket (COMMUNITY SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

18. Approved a motion authorizing the execution of a sports agreement with Under the Lights Flag Football League to administer programs, special events, and services related to flag football for youth and adults (COMMUNITY SERVICES)

Mayor did not recognize form past. Laaurie no new agreemnts some new leagues but not recreational. had agreement for last 2 years. Mayor ones mentioned are not receiving funding. Laurie no funding just agreement to sue facilities. Mayor dozen 1/2 dozen 2 dozen? Laurie a dozen. Morales covering wear and tear. Laurie no. Mayor how staffing of aprks. Laurie short having hard time filling all psotions. Mayor all agreement anything unique changes? Laurie same.

Council Member Love moved to approve Approved a motion authorizing the execution of a sports agreement with Under the Lights Flag Football League to administer programs, special events, and services related to flag football for youth and adults; seconded by Council Member Trost.

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

19. Approved a motion authorizing the execution of a sports agreement with West Texas BMX to administer programs, special events, and services related to BMX (Bicycle Motocross) racing and riding. (COMMUNITY SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

20. Approved a motion authorizing the execution of a sports agreement with the YMCA of Midland, to administer programs, special events, and services related to various sports activities for youth and adults. (COMMUNITY SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

21. Approved a motion approving a proposed Preliminary Plat of Venky Addition being a

plat of a 26.36-acre tract of land out of Section 18, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas, (generally located on the southeast corner of West County Road 120 and South County Road 1230). (Planning Admin)

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

22. Approved a resolution approving the issuance of permits to Permian Deep Rock Oil Co., LLC, for the drilling of ten oil and gas wells, within the city limits, located in Section 2, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas, (said wells are generally located between 230 and 1,371 feet west of South Lamesa Road and 170 feet South of I-20). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 035

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL TEN OIL AND GAS WELLS LOCATED IN SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 170 FEET SOUTH OF INTERSTATE 20 AND BETWEEN 230 FEET AND 1,371 FEET WEST OF SOUTH LAMESA ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

23. Approved a resolution approving the issuance of permits to Permian Deep Rock Oil Co., LLC, for the drilling of two oil and gas wells, within the city limits, located in 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.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 036

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL TWO OIL AND GAS WELLS LOCATED IN SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 170 FEET SOUTH OF INTERSTATE 20 AND BETWEEN 2,306 FEET AND 2,336 FEET EAST OF RANKIN HIGHWAY); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Trost, Love, Morales, Robnett. NAY:

None. ABSTAIN: None. ABSENT: Hotchkiss, Dufford, Lacy.

24. Approved a resolution approving the issuance of permits to Permian Deep Rock Oil Co., LLC, for the drilling of five oil and gas wells, within the city limits, located in 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). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 037

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL FIVE OIL AND GAS WELLS LOCATED IN SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 170 FEET SOUTH OF INTERSTATE 20 AND BETWEEN 1,762 FEET AND 2,452 FEET WEST OF SOUTH LAMESA ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

25. Approved a motion on request by Maverick Engineering, to defer water, wastewater, paving and sidewalk improvements for Midkiff Industrial Center, Section 26, and to waive the corresponding financial security guarantee valued at \$194,831.00, an amount equal to the estimated cost of construction. The subject property is generally located at the southeast corner of East Industrial Loop and West Gist Avenue, outside the corporate limits of the City of Midland, in Midland County. (ENGINEERING SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

26. Approved a motion on request by Landgraf, Crutcher & Associates, to defer water, wastewater, paving and sidewalk improvements for West Terminal Addition, Section 7, and to waive the corresponding financial security guarantee valued at \$505,566.00, an amount equal to the estimated cost of construction. The subject property is generally located on the north side of West County Road 100, approximately 2,000 feet west of Farm-to-Market Road 1788, outside the corporate limits of the City of Midland, in Midland County. (ENGINEERING SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

27. Approved a resolution authorizing the execution of a public improvement development

agreement with Chevron North America Exploration and Production Company for pedestrian crossing improvements at the intersection of Deauville Boulevard and Griffith Drive; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 038

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH CHEVRON U.S.A. INC. FOR PEDESTRIAN CROSSING IMPROVEMENTS TO THE INTERSECTION OF DEAUVILLE BOULEVARD AND GRIFFITH DRIVE; AND APPROPRIATING FUNDS THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

28. Approved a motion on request by Maverick Engineering, to defer water, wastewater and sidewalk improvements for Pinric Addition, and to waive the corresponding financial security guarantee valued at \$83,368.00, an amount equal to the estimated cost of construction. The subject property is generally located on the east side of Farm-to-Market Road 1788, approximately 800 feet south of West County Road 60, outside the corporate limits of the City of Midland, in Midland County. (ENGINEERING SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

29. Approved a resolution authorizing the City Council to establish a public hearing to consider Land Use Assumptions and Capital Improvements Plan for the City of Midland. (Citywide) (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 039

RESOLUTION ESTABLISHING THE DATE, TIME, AND LOCATION OF A PUBLIC HEARING TO CONSIDER THE LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN FOR THE DESIGNATED SERVICE AREA OF THE CITY OF MIDLAND

Mayor say sates establisheed in reso no consideraiton.

Council Member Love moved to adopt Resolution No. 2019 - 040; seconded by Council Member Robnett.

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

30. Approved a resolution authorizing the City of Midland to submit a grant application for

the FY 2020 Edward Byrne Memorial Justice Assistance Grant Program through the Office of the Governor of Texas Criminal Justice Division. (POLICE)

RESOLUTION NO. 2019 - 040

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE GOVERNOR, TEXAS CRIMINAL JUSTICE DIVISION, FOR FISCAL YEAR 2020 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM; SAID GRANT WILL BE USED TO PURCHASE AN ELECTRONIC TICKET-WRITING SYSTEM FOR THE POLICE DEPARTMENT

Morales if get what get? herman 53 ticket writing units. expansion of current capabilities. already using ticket writers for traffic push out to patrol.

Council Member Love moved to adopt Resolution No. 2019 - 041; seconded by Council Member Robnett.

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

31. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Collegiate Midstream, 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 a private water pipeline, not to exceed twelve (12) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located within City of Midland real property, Sections 9 & 10, Block 38, 2-South, Midland County Texas. (UTILITIES)

RESOLUTION NO. 2019 - 041

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND COLLEGIATE MIDSTREAM, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 9 AND 10, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

32. Approved a resolution authorizing and executing an amendment to Right-of-Way License / Resolution 2018-429 between the City of Midland and Endeavor Energy Resources, L.P., said License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing an access road to adjacent Endeavor property, road is located within City of Midland property, Section 44, Block 38, Township 1 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 042

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE

RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ENDEAVOR ENERGY RESOURCES, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 44, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett.

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

SECOND READINGS

33. Consider an ordinance on second reading 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). (DEVELOPMENT SERVICES) (First reading held January 8, 2019)

ORDINANCE NO. 2019 - 043

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.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9866 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Robnett talked with oncor ok with 5 foot setback removal.

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

34. Consider an ordinance on a second reading on a request by Strategic Restaurant Concepts, LLC, for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, 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 January 22, 2019.)

ORDINANCE NO. 9866

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE

PROPERTY DESCRIBED AS 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), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9878.

Council Member Love moved to approve the second and final reading of Ordinance No. 9878 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

35. Consider an ordinance on second reading on a request by Cumberland & Western Resources, LLC, for the initial zoning 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) (First reading held January 22, 2019.)

ORDINANCE NO. 9878

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS 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, AS AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT; SAID TRACTS BEING GENERALLY LOCATED APPROXIMATELY 688 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 2,287 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. 9879.

Council Member Trost moved to approve the second and final reading of Ordinance No. 9879 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

36. Consider an ordinance on second reading on a request by Younger Partners, Ltd., for the initial zoning 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) (First reading held January 22, 2019.)

ORDINANCE NO. 9879

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 14.97-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN LR-2, LOCAL RETAIL DISTRICT; ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 13.87-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN IP-2, INDUSTRIAL PARK DISTRICT; SAID TRACTS BEING GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH FARM-TO-MARKET ROAD 1788 AND LOOP 40; 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. 9880.

Council Member Love moved to approve the second and final reading of Ordinance No. 9880 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

37. Consider an ordinance on second reading on request by First Basin Credit Union for a zone change from LR-2, Local Retail District to O-2, Office District on a 2.004-acre tract of land out of Section 14, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located on the east side of North Big Spring Street, approximately 1, 605-feet south of East Loop 250 North). (DEVELOPMENT SERVICES) (First reading held January 22, 2019.)

ORDINANCE NO. 9880

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.004-ACRE TRACT OF LAND OUT OF LOT 2, BLOCK 4, CORPORATE PLAZA, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 1,605 FEET SOUTH OF EAST LOOP 250 NORTH); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9881.

Council Member Love moved to approve the second and final reading of Ordinance No. 9881 in accordance with the Charter of the City of Midland; seconded by Council

Member Robnett.

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

38. Consider an ordinance on second reading on a request by Jara Hotels, LLC for a Specific Use Permit with Term, for the sale of all alcoholic beverages for on-premises consumption in a restaurant, on Lot 2A, Block 3, Gateway Plaza, Section 7, City and County of Midland, Texas, (generally located on the north side of Starboard Drive, approximately 1,167-feet east of South Tradewinds Boulevard). (DEVELOPMENT SERVICES) (First reading held January 22, 2019.)

ORDINANCE NO. 9881

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 2A, BLOCK 3, GATEWAY PLAZA, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF STARBOARD DRIVE, APPROXIMATELY 1,167 FEET EAST OF SOUTH TRADEWINDS BOULEVARD), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9882.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9882 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

39. Consider an ordinance on second reading on a request by Blue Beacon International, Inc. for a zone change from LR-2, Local Retail District, to BP, I-20 Business Park District, on a 6.82 acre tract of land out 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 on the northwest corner of the intersection of South Fairgrounds Road and East Interstate Highway 20 Frontage Road). (DEVELOPMENT SERVICES) (First reading held January 22, 2019)

ORDINANCE NO. 9882

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 6.823-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A BP, I-20 BUSINESS PARK DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH FAIRGROUNDS ROAD AND EAST

INTERSTATE HIGHWAY 20 FRONTAGE ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9883.

Council Member Love moved to approve the second and final reading of Ordinance No. 9883 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

PUBLIC HEARINGS

40. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for a Zone Change from a PD, Planned District for a Housing Development, to an Amended PD, Planned District for a Housing Development, on Lot 1, Block 3, and Lot 15, Block 2, and the previously vacated 0.566-acre portion of Guadalupe Street right-of-way adjacent to Blocks 2 and 3, all out of Adobe Meadows, Section 2, City and County of Midland, Texas, (generally located on the northeast corner of the intersection of East Mockingbird Lane and North Big Spring Street). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9883

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 15, BLOCK 2, LOT 1, BLOCK 3, AND THE PREVIOUSLY-VACATED 0.566-ACRE PORTION OF GUADALUPE STREET RIGHT-OF-WAY ADJACENT TO BLOCKS 2 AND 3, ADOBE MEADOWS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF EAST MOCKINGBIRD LANE AND NORTH BIG SPRING 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 Misty Cryer read the caption of Ordinance No. 9884.

Development Services Director Chuck Harrington gave a brief overview of the item noting requesting ot amend existing PD orig had one roof style and now showing different roof style change to building height. this request fairly minor in nature. in compl with comp plan and was approved p7z. s taff rec approval as of 1/2 one loj.

Mayor Morales oph 10:28 a.m. cph

Council Member Love moved approval of the first of two readings of Ordinance No. 9884 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

41. Hold a public hearing and consider an ordinance on a request by Midland Ambulatory Surgery Center, LLC for a zone change from PD, Planned District for an Office Center to an Amended PD, Planned District for an Office Center on Block 2, Harrison Tract, City and County of Midland, Texas, (generally located on the southeast corner of the intersection of North Midland Drive and Gulf Avenue). (Planning Admin)

ORDINANCE NO. 9884

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING BLOCK 2, HARRISON TRACT, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH MIDLAND DRIVE AND GULF 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. 9885.

Development Services Director Chuck Harrington gave a brief overview of the item noting property prev had PD for office center but needed to be amended. medical officer development 22,000 sq ft. has been rev by all depts and in agreement of approval. in compl with comp plan and rec by puz 1/7 for approval. staff rec approval as of 2/8 no loj. single story. Love can't see orientation up and down is nasa no midland entrance off Midland Drive. Love talk about backing for neighborhood its trees berms is there fence. Chuck yes required to have fence 6 feet. Love trees chuck part of landscaping trees. Love on south side is not residential its treated different.

Mayor Morales opened the public hearing at 10:31 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9885 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

42. 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) (Pulled from January 8, 2019)

ORDINANCE NO. 9885

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

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9874.

Development Services Director Chuck Harrington gave a brief overview of the item noting Knights of Columbus proposing to dev as meeting facility for that chapter. property zoned 1f1 which is not too good location to put single family. this will be buffer between residential. in compl with comp plan, staff reviewed, p7z approved staff rec approval.. no loj. Love excited about this, great project. question why going from 1f1 to office and church or lodge can automatically be in a 1f. Chuck interpretation didn't really fit in category of religious so felt like making zone change to accomodate. Love church is not only thing believes it also includes lodges. Chuck had reason would need to look felt this was best path to take. Love what advantages? Chuck no real advantage to them just offering buffer protection if this fell through still protects the neighborhood. Try to protect next to neighborhood better to have office.

Mayor no design work? Chuck not yet. single stor applicant is present and can give more discussion.

Mayor Morales opened the public hearing at 10:36 a.m.

Bob Weidner 4516 Bent Tree Trail. mayor strange location.I describe building landscapign and purp of facility. Bob facility iis Knights of Columbus ine alry phase 5000 sq feet and parking lot with fencing aaround. still ened to get funding. The driveway we are open to anything. Bought land and currently in county too far out. Morales in paper no alcohol? Bob concern is renting hall out, no intention of renting building. the one out there is 10,000. this is just for meeting no reason to buy alccohol permit. Morales plant o do landscapign buffer. Bob yes, in initial contatct with architect to provide rendering for fundraising. Love keepign old building? no sosld.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9874 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

43. Hold a public hearing and consider a resolution to petition the City Council of the City of Midland, Texas, providing for the annexation of certain sparsely populated property; the owner has requested that the property be annexed; said property is adjacent to and contiguous to the present boundary limits of the City of Midland; said property being a

17.55-acre tract located in the NE/4 of Section 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, (generally located on the southwest corner of the intersection of Tradewinds Boulevard and Thomason Drive). (DEVELOPMENT SERVICES)

RESOLUTION NO. 9874

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, GRANTING A WRITTEN PETITION TO ANNEX A 17.55-ACRE TRACT OF LAND OUT OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (THE "AREA") (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE) PURSUANT TO SECTION 43.028 OF THE TEXAS LOCAL GOVERNMENT CODE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO RECORD A COPY OR DUPLICATE OF THE PETITION WITH A CERTIFIED COPY OF THE ORDINANCE ANNEXING THE AREA UPON THE APPROVAL OF SUCH ORDINANCE BY THE CITY COUNCIL

Development Services Director Chuck Harrington gave a brief overview of the item noting part of chapter 43 of state statute require petition provide to city for annex of partial land less than 1/2 mile width. received petition it is 17.55 acre tract south of recently annexed 9.75 acre tract of Tradewinds and Thomason. staff rec acceptance and move forward in process.

Love petition used as request not a bunch of signatures. chuck yes plea to council.

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

Council Member Love moved to adopt Resolution No. 2019 - 044; seconded by Council Member Trost.

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

44. 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 Charger #H120LS located 240 feet from the north line and 2,350 feet from the east line and Charger #H120MS located 240 feet from the north line and 2,320 feet from the east line, and Charger #H120WB located 240 feet from the north line and 2,410 feet from the east line, Section 10, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas, (said wells are generally located between 2,320 and 2,410 feet east of Rankin Highway and 515 feet south of West Interstate 20.) This is a public hearing only. (Planning Admin)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting same area prev wells tank batter existing outside of city limits by petrole sound wall on south side. 16 ft. asking for same var in past structures 265 and 269 for 3 wells. landscape and irrigation no water avail. var to drill pad site for group of wells and rra and 24 hour fracing. rec 2 noj oe for each well. Love rra. ron no rra using i20. morales there is existing flow lines? Ron new lines going to tank battery to west. Love more noise from I-20 then from this. ron yes. Trost ingress and egress. no city public road.

ron city access road. they will build entries meeting city sepcs. just permission to have driveway cut.

Mayor Morales opened the public hearing at 10:44 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

45. Hold a public hearing and consider an ordinance on a request by Christopher Liles for approval of a Special Exception to the City of Midland Zoning Ordinance, Section 11-1-7. - Area, yard, structure, parking, and miscellaneous lot and use regulations, concerning front yard setbacks on the west 5.2 feet of Lot 6 and Lot 7, Block 5, Urandale Addition, City and County of Midland, Texas. Generally located on the northeast corner of the intersection of J Street and Douglas Avenue. (Planning Admin)

ORDINANCE NO. 2019 - 044

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE WEST 5.2 FEET OF LOT 6 AND LOT 7, BLOCK 5, URBANDALE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH J STREET AND DOUGLAS AVENUE), BY PERMITTING A REDUCED SIDE 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. 9886.

Development Services Director Chuck Harrington gave a brief overview of the item noting in 2013 sepcial exception to reduce side yard to build garage. at that time garage open coming off street open withcarport no garage. Looked at time ample room to pull of street. Asked for in putting in fence that will effectively seal it off just insdie property line car has to stop in street for fence to open becomes issue to staff from traffic standpooint. did not see any hardhsip genereated. staff rec denial of request.

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

Chris and Trish Lyle 1512 Douglas Avenue. Chris when staated building property new to Midland started buidling in accordance turnign garage. had issues with builder along way changed builders, since moved to Mldland increased safety concerns own property lived couple blocks down way where neighbor almost victim of home invasion, neighbor had car stolen recently and very small children 6 and 3 and been a lot of animals at large and loose ehre. Trish felony level vandalsm hwile building. Chris 50,000 of wires copper wires cut damaged. ultimately having wife out of town more comffortable and safer to be able to close that off. Some concern about potential of turning into breezeway of carport aattempted to have sophisticated wifi to open and close gate and want to know wether gate is opened or closed. ulitiimately this fortunately being done out of ignorance on their part. common sense to close off and protect. in retrospect not aware of violation. Trish we can open adn close gate form anywhere he came open and come not somethign you sit in road and wait to go in area. Chris concern for public safety he cares about his own safety dont; want traffic accident. Robnett they are gate. Chris sliding gates already installed and iin place. Robnett live few blocks away not a

dangerous enighborhood peoples homes get broken into but not dangerous. 3 years ago had similar request rebuilding garage wanted exactly same kind of entrance perpindicular and he has to enter and spend additional money to correctly and appropriately build turn off into a driveway and comes in and aorund and never obstructs trafficc. This puts in tough ssituation asked hoomeowner to do right way and now being asked to look at puts in tough spot. Trish does it help at all that have wifi enabled gates. Robnett its just a matter of somethign not long go homes oriented exact same way in same neighborhood. Chris understand iimportance of precidence not lost on them potential of saying same situation. One lblock away another tradiitonal grage that goesright up to sidewalk. Love when did you acquire property. Chris 2016 june or july. Love june 13 2017 approved special exception to reduce 25 yard setback. at that time youd idn't include gate why build garage with closing doors? Chrisit was his understanding that there had to be additional setback if garage doors faced the street. builder advised to build like this and turn into it. Difference of paper and reality. second builder slab already poured and couldn't go back almost done with framing of house. Robnett storage on nw portion of property. Chris that ist he garage it self.I when pull in on left side is garage. originally built to e open. added gates because felt needed safety issuse. Robnett plan to parking behind fence? Chris driveway to get into garage and also when closed paly area for kids.

Steve thorpe building official setup as political share. council granted special exception with assumption open area that could swing in and enter to north. Since having swimming pool but now showed windows on east portion of portico and now sliding gates installed without approval no functtion fully as garage enclosed fully functional not open to elements with fence to protect swimming pool area. Turned in as complaint from district council person. Robnett she received the complain and she turned it in.

Trish Sharla is direct neighbor when put up fences her main concern is sitting in the road waiting for gates open and close. Chris had conversation with her and assured would not be sitting inr oad waiting. Love thats her concern but not his, his is agreement made and then a fence was isntalled outside of the agreement. Robnett taliked to Hotchkiss yesterday.

There being no one else wishing to speak, the public hearing was closed at 11:01 a.m.

Robnett short Council might not go in your favor, nobody appreciates way it went have to maek tough decision appreciate trying to do right way. if okay would like to get a full council to decide might behoove to get a full council to decide. Steve in house on temproary CO need to keep gates open until approved. The did start one way but changed builders and things have progressed glass door was never intended.

Council Member Love moved to defer to next meeting; seconded by Council Member Trost.

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

Love if would please get clear understanding on agreement and violation of agreement. Need understand of why agreement got violated.

46. Hold a public hearing and consider a resolution on a request by Westlake Hardware for

a Temporary Land Use Permit for a Outdoor Retail Sales on Lot 1, Block 5, Park Place Addition, Section 3, City and County of Midland, Texas, (generally located on the north side of Andrews Highway, approximately 390-feet east of Whitney Drive). (DEVELOPMENT SERVICES)

RESOLUTION NO. 9886

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR OUTDOOR RETAIL SALES ON LOT 1, BLOCK 5, PARK PLACE ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 390 FEET EAST OF WHITNEY DRIVE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting annual request westlake hardware establish temp plant area in front parking lot take up 26 spaces with tep fence aorund. had before no problem rec approval for tlup.

Mayor MORale soph 11:04 a.m. cph

Council Member Love moved to adopt Resolution No. 2019 - 045; seconded by Council Member Trost.

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

MISCELLANEOUS

47. Approved a motion appealing the Building Official's denial of a sign permit application by James B. Reeder on Lot 7, Block 3, Corporate Plaza, Section 16, City and County of Midland, Texas, (generally located at the east side of North Big Spring Street, approximately 1,111 feet north of West Wadley). (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting requeusting to install additional electronic message center in addition to current sign. does meet requirements for size but problem is existing ssign overhangs row and encroaches in TxDoot row. when orig came in talked about leaving pole and flagging signs to insdie but he is instant to have it like it is. Sent request to TxDot they indicated that they object. this is deviation from existing ord and no hardship staff rec denial of request. Love current sign alreaady in row and new sign will add more of it. Morales does the pole not get grandfathered in but move sign in . Trost question is TxDot objecting what is their remedy? Love us. Chuck they are saying go out and have it torn down but object ot icnrease of their row.

Robnett only issue is in row. Trost their objecting to them being in row but okay with being in row. Chuck situation existing non conforming sitaution not saying hold sign Trost asking us to be accountable. Love they probably didn't even know that was iint heir row and we asked them and they objected. Trost we opened the door. Chuck try to do is route it to all appropriate agencies and departments to review. Chuck no indication that would do anythign to existing sign. Chuck when you have a n existing non conforming use when you start to make changes we ask for applicant to come into compliance.

Love is applicant present. Mike Cannon 20 ??OKlahoma park Park Midland, Love staff has problem TxDot has problem and staff rec leave pole and move sign over. what is owners rationale of proceed forward against a staff and txDot. Mike his understanding is in letter that Mr. Reeder submitted size is going to be exact same size as old sign. The lower part of sign will be smaller then original sign. Original sign extended out to edge of top sign. reason being replaced is because old sign blew down but pole stayed up. Its the moving of the pole that causes hardship. Its cost of \$5,000 to move pole over to go into compliance. Their position is no change in terms of what sign does in terms of how public views it. it doesn't go out in row any further in same place as before. Except lower part can be changed electronically. Top part will be identical to original sign. Love how far does it encroach. Mike about 6 feet. Love staff made rec that didn't have to move pole just move sign. Mike work with a1 signs and said approx cost additional 5,000. did not indicate that sign could be put up lopsided. he understand you would have to dig up old pole and move over about 6 feet. Morales can make metal L frame to hold up. If txDot liens row they would have to move anyway. Trost how long sign been there. Mike about 44 years. It could of been there shorter period of time but for sure decades. Robnett what does appeal process cost? RP \$150. Love curious as to row and future txDot needs. obviously don't see Big Spring expanding but anything that might happen in near or long term future. Mike no immediate plans that aware of of widening. Don't think TxDot objection was legality of not having private owned signs in public row. Had to solicit their input and they provided comment.

Trost concern is if allow this what doing is have to have people come up and asking for same kind of thing and not sure if overriding existing sign code is right thing to do. If we allow this sign to be put up it will also encroach on txDot row. Mike Cannon did talk with Mr Dufford about this few weeks ago he indicated sort of thing that typically if no change Council had waived in past. Don't know when that would have been done. If his input would be valuable would be okay with deferring until he is able to put input. Trost suggest that do defer. Morales its been then 44 years if txdot comes in sign has to go. txdot didn't even know. if txdot expand next year they will have to remove.

Love one sign ordinance that still needs to be worked on. second thing is nonconforming use but this city and council has previously tried to correct non conforming uses when have opportunity. Not sure if could support it today might be able to in two weeks if more info deferring would be appropriate.

Council Member Love moved to defer to next meeting; seconded by Council Member Robnett.

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

48. Consider an ordinance related to the issuance and sale of the City of Midland, Texas, General Obligation Improvement and Refunding Bonds, Series 2019. (FINANCE)

ORDINANCE NO. 2019 - 045

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF MIDLAND, TEXAS, GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 2019," SPECIFYING THE TERMS AND FEATURES OF SAID BONDS; LEVYING A

CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE AGREEMENT, AND THE APPROVAL AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT PERTAINING THERETO; AND PROVIDING AN EFFECTIVE DATE

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9887.

Pam Simecka, finance working last few months to issue debt instrument. 48 and 49 gone out for second installment of road bond and also for CO purposes to fund beginning of fire station 5 and 11, firegrounds road construction and water improvements in the corner of city. sold them yesterday and have George Wolford here from Hilltop Security help run sale of bonds.

George Wolford Hilltop Securities, each received book this morning summarizes and walk through results of both sales so council can act on individual item. On cover bottom both agencies affirmed existing ratings AA+ from S&P and AAA from Fitch which is very rare. He reviewed the contents of the book. tab 1 25 M proceeds for road also refunding component of 2009 issuance see on first page results of that as far as refinancing annual savings ranging from 57,000 to 61,5000 total 589,000 over next ten years. at bottom in red 8.3% present value savings. When first said this worthwhile to included projected savings around 41,000 per year market really moved to benefit of savings. second page tab one is results of portion or sale of 25M for road projects in middle of box 3.46 TIC that is effective or true interest cost rate and right on top of rate achieved with first series last year 3.45. Orders received yesterday enabled them to come back and lowered yields on both from 2034 to 2040 by 1 to 5 basis points. New money is 23.36 million because of premium received in sale about midway down actually receive 25 per project cost. Tab 2 is cert of obligation issue 8.5 for general purpose and 16.5 is for water system improvements and note at bottom of first page 3.278% lower only 20 year payment other is 25 year. rest info in tab 3 is market info based on bond buyer index and what done historically. at back tab 4 are actual rating reports if interested in seeing factors. rec approval of issuance of both bonds. Mayor good interest rate and good conditions. George way negotiated bond sale works is indicative sales and yesterday morning after seeing what happened in world held pricing and went out with 2 hours order period and should be interested and around 11 concluded sort through nearly noon and say ready to give bid and over subscription for those securities and lowered yields. Call Pam subject to Council approval. Love it sold in two hours been out for a week big buyers.

Trost what would it take for go down what are parameters. George site in rating report, economy, level of activity in Permian, really focus on management and financial condition of City. Midland buildt and maintained reserve levels that exceed what others due. It would have to be bad general reserve eat up to see negative impact.

Council Member Love moved approval of the first of and only reading of Ordinance No. 9887 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Trost, Love, Morales, Robnett. NAY:

None. ABSTAIN: None. ABSENT: Hotchkiss, Dufford, Lacy.

49. Consider an ordinance related to the issuance and sale of the City of Midland, Texas, Tax and Limited Pledge Revenue Certificates of Obligation, Series 2019.9888 (FINANCE)

ORDINANCE NO. 9887

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF MIDLAND, TEXAS, TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2019"; LEVYING AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND PROVIDING FOR A LIMITED PLEDGE OF THE NET REVENUES OF THE CITY'S WATERWORKS AND SEWER SYSTEM FOR THE PAYMENT OF SAID CERTIFICATES; PRESCRIBING THE TERMS AND DETAILS OF SUCH CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, SECURITY, PAYMENT AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE AGREEMENT AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AND PROVIDING AN EFFECTIVE DATE

Mayor MOrales read the caption of Ordinance No. 9888.

Council Member Love moved approval of the first and only reading of Ordinance No. 9888 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

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

no appointments.

PUBLIC COMMENT

Frank Kaseman 20 Newchester Midland Tx event occuring here in Midland Tx Holocaust and genocide commision. one member of book is midland member bill womack on march 7 at midland ollege will have event and honor Bill Womack and 5 other W Tx veterans who are no longer living. they have commissioned medal and a copy fo book for those families. copy rpresented to every high school and ujr high school in state of tx from their commission and tx tech. also virtual app to add deliberation period so teachers can teach. exhibit almost replica will be at midland college in 2 weeks through end of march and middle of even wil honor tx local war veterans. left iinvaiton for you.

Trost his father happened to be one of those guys had a lot of stories several en he told horror stories. It took forever to tell story got ittle store here and there didn't get half or even 1/3 how did this come about. Kassman out of ignorance on his part appoitned to holcouse commission by speaker of house around table hwole group if different agencies included. cerated because kiddos going to holocaust museums said never heard about this they taaught about ins chool but found other items. created a book

they are cutting TEA and asked to add questions on teach tax adn star . took 1.5 years to find survivors who were willing to tell stories. Book the Texas Liberators.

Greer Bronson , 214 W Texas, petroleum building, people surrounding 2 block city center ahve been subjected to construction for about 2 years now of tthe blocking off traffic and parking from centeer of city and bottle necking traffic and causing problems for people that want to do business in center of city for at least two eyars due to construction of new convention center. yesterday employees of Lee Lewis construction started fencing off all parkign spaces surrounded alleged park on east side of square opposition convention center that is recently turned into some sort of park and screened off park itself causing a lot of consternation int heir building form people who park there. across street all round tx adn wall around two block square blocked off. about 30 parking spaces in city center that is critcal to resstarants to busienss, restaurants and retail. Went and asked by what right and they referred me to Lee Lewis Construction. Directed by City Council to do this and talk about spalash pond and water park. He thinks its ridiculous idea. Don;t think city at large has beent old about plans for water park. Mayor publically held numerous announcements that will be a park and include much more than a spalsh bpad. during construction it is a nuiansce it is on time on budget and once completed that he satisfaciton to all retailers will be phenomenal you will be able to take everyone to aprk to play around. midland center phenomenal let get with him to share with park. He will be glad to share with people. Trost didn't know either. Trost he knew but doesn't knwo specifics.

Meeting adjourned 11:46 a.m.

51. 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.)

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